



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 4205 of 2025

1. ANANDAGOPAL

2. R.Suguna

(Both the petitioners represented for themselves and Petitioners
on behalf of the worshippers of Aadhari
Karupparayan Thirukoil, Vadamugam
Kangayampalayam Village)

Vs

1. S.Devarajan

2.K.Loganathan

Respondents

PRAYER Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Learned Subordinate Judge, Avinashi to number the Un.OS.No.(CFR.No.3955) of 2025 and dispose the same in Stipulated time by allowing the present Revision Petition.

For Petitioners: Mr. C.Ramaraj



ORDER

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This Civil Revision Petition has been preferred against the order of return made by the learned Subordinate Judge, Avinashi.

2.The plaintiffs are the civil revision petitioners and they have filed the suit for the following reliefs:-

a. setting aside the sale deed dated 29.03.2022 executed by the 1st defendant in favour of the 2nd defendant in respect of the suit properties which is registered as Doc.No.3290 of 2022 on the file of Sub Registrar, Uthukuli as null and void, unenforceable, not acted upon and not binding the plaintiffs in any way.

b. restraining the defendants, their men, agents, assignees etc., from in any way and in any manner either trespassing into the suit properties or preventing the peaceful possession and enjoyment of the plaintiffs over the suit properties by means of permanent injunction;

c. directing the defendants to pay the costs of the suit to the plaintiffs; and

d. granting such other and further reliefs as



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this Honourable Court may deem fit and necessary in the circumstances of the case and thus render justice.

3.The grievance of the petitioners is that despite compliance of returns on every occasion, the learned Judge has not numbered the suit.

4.The learned counsel appearing for the revision petitioners to strengthen his contention has relied upon the order of this Court in C.R.P.(PD) No.5309 of 2024 dated 21.01.2025 and the order passed in C.R.P.(PD) No.3163 of 2024 dated 08.08.2024.

5.I have gone through the returns and also the compliances made. If at all the Court entertains any serious doubt with regard to the maintainability of the suit or the prayer, then it shall be incumbent on the Court to post the matter for maintainability and hear the learned counsel instead of repeatedly returning the plaint through the Registry. The practice is certainly not healthy.

6.In the light of the above, this Civil Revision Petition is disposed of, directing the revision petitioner to represent the suit in Un.OS.No.(CFR.No.3955) of 2025 within a period of one week from the date of receipt of a copy of this order and if the Court is not satisfied with the compliance and explanations offered by the plaintiffs, then the Subordinate



Judge, Avinashi, shall post the matter for maintainability, hear the learned counsel for the plaintiffs and thereafter, pass judicial order within a period of two weeks. Since the petitioners have filed the original plaint before this Court, the Registry is directed to return the same to the learned counsel for the plaintiffs, after getting an acknowledgment. It is suffice for the petitioners to file a memo in this regard. There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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The Subordinate Judge, Avinashi.



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M.JOTHIRAMAN J.
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