

C.R.P.No.4684 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.4684 of 2025

S.Sumathi

... Petitioner

Vs.

Nil

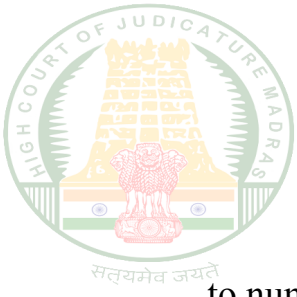
... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the return order dated 28.04.2025 passed in unnumbered G.O.P.No. of 2025 (C.F.R.No.5708 of 2025) on the file of the learned District Judge, Salem and consequently direct the learned District Judge, Salem to number the petitioner without insisting any queries.

For Petitioner : Mr.B.Kumarasamy

ORDER

This Civil Revision Petition has been filed to set aside the return order dated 28.04.2025 passed in unnumbered G.O.P.No. of 2025 (C.F.R.No.5708 of 2025) on the file of the learned Principal District Judge, Salem and consequently direct the learned District Judge, Salem



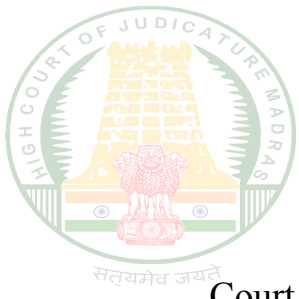
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to number the petitioner without insisting any queries.

2. Heard Mr.B.Kumarasamy, the learned counsel for the petitioner and perused the materials available on record.

3. The Revision Petitioner is the mother of minor children, viz., V. Dhivyadharshan and V. Keerthivashan. The property which is the subject matter of the Guardian OP before the Principal District Judge, Salem was settled on the minors by the father, appointing the petitioner as the guardian of the minors. Now, the property is proposed to be sold, for which the permission of the Court is now sought by the petitioner/mother who represents the minors under the registered settlement deed. The registry returned the papers on the ground that the father, being the natural guardian, has to file the Original Petition and the mother cannot file. Despite the returns being complied with by the petitioner stating that the petitioner has been appointed as the guardian of the minors in the registered settlement deed dated 20.08.2024, and also complying with other returns in the nature of requiring valuation and third party, etc. The



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Court has once again returned the papers stating that the father alone has to file the permission petition.

4. This Court, in the judgement of *Selvaraj Vs. Koodankulam Nuclear Power Plant India Ltd.*, reported in (2021) 4 CTC 539, has issued directions to the Trial Courts regarding the manner in which applications & suits have to be dealt with at the registration stage. The Courts are only exercising a ministerial function at that stage and not a judicial function. Therefore, the Court ought to have numbered the application if it is in order and cannot return the petition or plaint repeatedly on the ground of maintainability. The issue of maintainability can always be left open. The matter can be argued, if contested by the other party, if any.

5. In the present case, there is no respondent, and in fact, the father, who is the natural guardian, has also filed an affidavit stating that he has no objection for the mother of the minors filing the Original Petition and that he has no objection for the permission for sale also being granted.



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6. In the light of the above, I am inclined to set aside the return order dated 28.04.2025. Accordingly, the return order dated 28.04.2025 passed in unnumbered G.O.P. No. of 2025 (C.F.R. No. 5708 of 2025) is hereby set aside. The learned Principal District Judge, Salem shall number the said petition, if it is otherwise in order without insisting on the father being the petitioner, and shall hear and dispose of the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. In the result, this Civil Revision Petition is allowed. No costs.

06.10.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
kv

Note: (i) Issue order copy on **08.10.2025**.

(ii) Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner after getting necessary acknowledgement.



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The Principal District Judge, Salem.



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P.B.BALAJI, J.

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