



C.R.P.No.4724 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4724 of 2025

K.M.Anbarasan

.... Petitioner

Vs

1.K.M.Mohan
2.K.M.Kalaiselvi
3.K.M.Thirumal
4.K.M.Murthy

5. The Branch Manager,
Union Bank of India,
Vellor

.... Respondents

Revision filed under Article 227 of the Constitution of India challenging the fair and decretal order datd 25.08.2025 in O.S.SR No.448 of 2025 on the file of Subordinate Judge, Katpadi, whereas the said O.S was dismissed, which was filed for partition of suit property under Order 7 Rule 1 of CPC.

For Petitioner: Mr.P.A.Saigovindaraja

ORDER

The plaintiff, aggrieved by the rejection of the plaint even at the registration/numbering stage, has come up with this revision.

2. Heard the learned counsel for the petitioner.



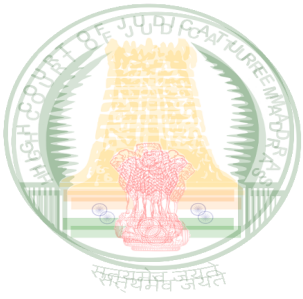
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3. It is seen from the impugned order that the trial Court has gone into the merits of the averments and the allegations in the plaint and proceeded to reject the plaint, without even giving an opportunity to the learned counsel for the plaintiff to address the Court regarding maintainability.

4. This Court has issued series of directions in the case of ***Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd*** reported in ***2021 SCC Online Mad 2514***, to be followed by the trial Courts, while taking up the applications or suits at the stage of numbering. It is settled law that while numbering the civil suit, the Court will only perform a ministerial act and not a judicial function. The trial court was not required to conduct any roving enquiry unilaterally and proceed to reject the plaint. It is always open to the defendants to come up with a request for rejection of plaint, if at all the suit is barred by any of the provisions of Law.

5. In view of the above, I am inclined to set aside the order dated 25.08.2025.



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6. Accordingly, the order passed by the trial court in OS SR No.448 of 2025 dated 25.08.2025 is set aside and the civil revision petition is allowed.

7. The trial court shall number the suit if it is otherwise in order and and it is open to the defendants, if so advised, to move for rejection of the plaint.

No costs.

26.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

To

The Subordinate Judge, Katpadi



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P.B.BALAJI.,J

sr

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