



CRP.No.5389 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.5389 of 2024

1.M.Ramasamy
2.M.Lakshmanan

.. Petitioners

Versus

1.K.S.Ramasamy
2.R.Jayaraj
3.R.Sivachalapathi
4.K.C.Moorthy
5.C.Senthil Kumar
6.O.S.Narayanasamy
7.S.Thangamani
8.S.Shanmugam
9.P.Nagaraj
10.M.Y.Habibur Rahim

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the return order dated 05.11.2024 passed in O.S.SR.No.11330/29 of 2024 by the learned Principal District Judge, Tiruppur, by allowing this revision and direct the learned Principal District Judge, Tiruppur to take the plain on file and decide the same in accordance with law.

For Petitioner : M/s.A.M.Amutha Ganesh



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ORDER

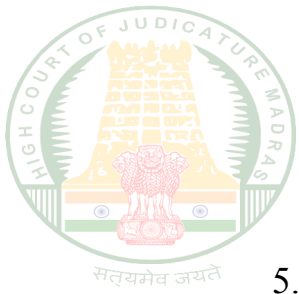
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Challenge has been made to the order of the Court below returning the plaint raising period of limitation.

2. The suit has been originally filed for partition and declaring certain sale deeds as null and void, the same has been returned by the Court below raising period of limitation and also sought clarification in this regard.

3. Heard the learned counsel for the petitioner and perused the materials placed on record. Since no adverse order is made against the respondents, notice to the respondents is dispensed with.

4. At the outset, this Court is of the view that when sufficient cause of action is shown in the plaint at the stage of numbering the suit, the Court cannot act as a defendant to raise all the questions. When sufficient cause of action is already raised, the Court shall number the suit first, then decide the issue on merits.



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5. Such view of the matter, the order of returning the application stands quashed. The Trial Court is directed to number the application and decide the issue on merits.

6. Accordingly, this revision petition stands allowed. No costs. The Registry is directed to return the plaint and the same shall be represented before the Court below within a period of one week from the date of receipt of a copy of this Order.

07.01.2025

dhk

Index : Yes/No

Internet : Yes/No

To,

The Principal District Judge,
Principal District Court, Tiruppur



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N.SATHISH KUMAR, J.,

dhk

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