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CRP No.5009 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5009 of 2025

1. Rathna Nagaraj

Res at No.225, Thiruvallurvar Street,
Thirumuruganpoondi, Avanshi Taluk,
Tiruppur District

2. SIVAKUMAR

Res at No.225, Thiruvallurvar Street,
Thirumuruganpoondi, Avanshi Taluk,
Tiruppur District

3. NATARAJ

Res at No.225, Thiruvallurvar Street,
Thirumuruganpoondi, Avanshi Taluk,
Tiruppur District

4. SURESH

Res at No.225, Thiruvallurvar Street,
Thirumuruganpoondi, Avanshi Taluk,
Tiruppur District

Petitioner(s)

Vs



1. R.V.Ravi, S/o R.Varadharaj, No.225,
Thiruvallurvar Street,
Thirumuruganpoondi, Avanshi Taluk,
Tiruppur District

2.The Commissioner Thirumurgan
Poondi Municipality
Thirumuraganpoondi,
Thirupur Dt 641 652

3.The Assistant Engineer
TANGEDCO,
Avinashi East Mangalam Road,
Avinashi 641 654

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Docket Order dated 26.08.2025 made in OS.(CFR No. 4758/2025 on the file of the Subordinate Judge, Avinashi and direct the Subordinate Court to number the unnumbered suit in OS(CFR)No. 4758/2025 and take on to the file.

For Petitioner(s): P.R.Krishnaraj

For Respondent(s): Mr.N.Muthuvel, G.A. For R2



ORDER

This Civil Revision Petition has been filed challenging the docket order passed by the Trial Court, dated 26.08.2025, returning the plaint.

2. The petitioners herein filed a suit for declaration of title regarding three schedule properties and for recovery of possession. They also prayed for mandatory injunction to fix compensation amount, required to be paid by either party, based on the value of construction assessed by the Panel engineer. The plaint was returned by the court below on 23.07.2025, raising the following objections.

i) How this suit is maintainable? to be explained.

ii) Plaint to be valued properly and to pay the court fee correctly.

(iii) Prayer portion to be mentioned correctly.

(iv) fly sheet to be attached.

3. Thereafter, the petitioners re-presented the returned plaint on 28.07.2025, giving their explanation, which reads as follows.

Suit returned on 23.07.2025 – Attended and resubmitted on 28.07.2025.

1 . Subsequent to the construction made by the defendant at the site belonging to the plaintiffs, this suit has become just and necessary against the defendant seeking



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proper relief as prayed for. Considering that this suit is civil natured one, having pecuniary as well as geographical jurisdiction, it is maintainable before this Hon'ble Court.

2. Plaint revalued as per the prayers sought for and paid court fee accordingly.

Gowriammal V. Ramasamy

Held that a suit for demarcation and possession must be valued under Section 25(b) not under fixed fee provisions.

Munian V. Marimuthu

Where parties by mistake constructed on each other's land, a suit for demarcation with exchange of possession involves recovery, and hence ad valorem fee under Section 25(b) applies.

3. Prayer portions are corrected accordingly.

4. Fly sheet attached.”

The plaint was again returned on 18.08.2025 and 26.08.2025 on the ground that the previous returns were not complied.

4. The petitioners, while re-presenting the plaint on 28.07.2025, submitted their detailed explanation for the objection passed by the court below. If the court is not satisfied with the explanation offered by the petitioners, the matter shall be called in open court and the petitioners shall be given an opportunity to



give their explanation. Instead of adopting the said procedure, returning the plaint again and again, is not appropriate.

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5. Therefore, the order of return dated 26.08.2025 passed by the court below is set aside. The petitioners are directed to re-present the plaint, within two weeks from the date of receipt of copy of the order. The Trial Court, if not satisfied with the explanation offered by the petitioners, shall call the matter in open court and after affording reasonable opportunity to the petitioners, pass orders on merits.

6. With the above direction, this civil revision petition is allowed. There shall be no order as to costs. Registry is directed to return the original plaint papers to the counsel for the petitioners.

27-10-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

MST



1. The Subordinate Judge, Avinashi.

S/o R.Varadharaj, No.225,
Thiruvallurvar Street,
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Tiruppur District

4.The Assistant Engineer
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