



CRP(MD).No.115 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.115 of 2025

1.R.Murugesan @ Murugan
2.M.Harshan Prabhakaran
3.M.Varshan

... Petitioners / plaintiffs

Vs.

Mr.L.Dinesh

: Respondent / defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Subordinate Court, Uthamapalayam to receive, take on file and number the suit in un-numbered plaint in F.No.OS/352/2024 (CNR.No.TNTH050004642024) within a frame as may be fixed by this Court.

For Petitioner

: Mr.G. Aravinthan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Subordinate Judge, Uthamapalayam to receive, take on file and number the suit in un-numbered plaint in F.No.OS/352/2024



CRP(MD).No.115 of 2025

(CNR.No.TNTH050004642024) within a frame as may be fixed by this Court.

2. Heard the learned counsel appearing for the petitioners. Since the revision is filed for seeking early disposal, no notice is necessary to the respondent.

3. According to the revision petitioners, the said suit was filed for the relief of redemption of mortgage to the value of Rs.7,88,000/- before the competent Court i.e., the Subordinate Court, Uthamapalayam .

4. It is submitted that the trial Court returned the plaint stating that the same ought to be presented before the Additional District and Sessions Court, Theni on the ground of pecuniary jurisdiction. It is also stated that the redemption suit should be filed before the concerned Court by way of counter claim under Order 8 Rule 6(a) CPC, which is in correct and the trial Court ought to have numbered the suit and prays for allowing this revision.

5. Heard. Records perused.



CRP(MD).No.115 of 2025

5. This Court is of the view that while numbering the plaint, the learned Judge has to see whether cause of action has been made out or not and after numbering the plaint, if any defect is found out, the Court can always reject the plaint. Numbering the plaint is a ministerial act. No roving enquiry can be done at the time of numbering the plaint. Considering the facts and circumstances of the case, the learned trial Judge is directed to number the plaint and proceed with the same in accordance with law.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

23.01.2025

Index : Yes / No
Internet : Yes/ No
trp

Note: Registry is directed to return the original papers after substituting the xerox copy of the same.
To

The Subordinate Court, Uthamapalayam

K. GOVINDARAJAN THILAKAVADI, J.,



WEB COPY



CRP(MD).No.115 of 2025

trp

C.R.P(MD)No.115 of 2025

23.01.2025