



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1565 of 2025

K.Gurusamy

...Petitioner

Vs.

1.K.Karuppasamy

2.K.Sundararaj

3.K.Murugeswari

...Respondents

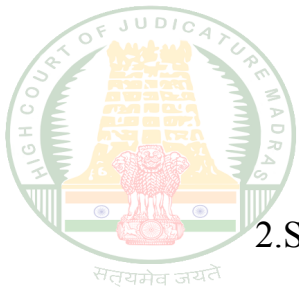
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal District Court, Srivilliputhur to number the unnumbered O.S.No..... of 2025 and proceed with the trial of the suit in accordance with law.

For Petitioner : Mr.S.Sankarapandian

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ORDER

This petition has been filed seeking a direction to the Principal District Court, Srivilliputhur to number the unnumbered O.S.No..... of 2025 and proceed with the trial of the suit in accordance with law.



2. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

3. The petitioner filed a partition suit as against his father and brother. The plaint was returned by the trial Court. The petitioner re-presented the said plaint. Again it was returned and it was listed before the trial Court on 24.03.2025 for clarification and the petitioner claims that he has convinced the Court to number the plaint. However, the Registry once again has returned the plaint. Challenging the same, the present Civil Revision Petition is filed.

4. The learned counsel for the petitioner would submit that returning the plaint by the registry is a ministerial act. However, the registry cannot conduct a mini trial while numbering the plaint. Even then, the registry is returning the plaint of the petitioner by conducting a mini trial, which is unsustainable.

5. Admittedly, the Registry has to follow the procedures contemplated under Order 7 Rule 11 of CPC while numbering the plaint. Further, this Court by an order dated 16.07.2021, in C.R.P.(MD)Nos.915, 943, 967, 991 & 330 of 2020 has also issued directions to the registry for numbering the plaint strictly in accordance with Order 7 Rule 1 of CPC.



6.The learned counsel for the petitioner submits that the petitioner is ready to re-present the plaint by complying with the procedures set out under Order 7 Rule 11. Hence, he prays for appropriate orders.

7.Considering the limited request made by the petitioner, this Court is inclined to direct the petitioner to re-present the plaint again. Accordingly, the petitioner is directed to re-present the plaint within a period of two weeks from the date of receipt of a copy of this order. After such re-presentation, the Registry is directed to number the plaint by following the procedures contemplated under the Order 7 Rule 11 of CPC and also the judgment rendered by this Court in the Civil Revision Petitions stated supra.

8.Accordingly, this Civil Revision Petition stands disposed of. No costs.

03.06.2025

NCC:Yes/No
Index:Yes/No
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Note: Registry is directed to return the original plaint after retaining a copy of the same in the Court record.



M.DHANDAPANI, J.

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To:-

- 1.The Principal District Court, Srivilliputhur
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.1565 of 2025

03.06.2025