



C.R.P(MD)No.2828 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2828 of 2025
and
C.M.P(MD)No.16388 of 2025

R.Lenin @ Leninraj

... Petitioner/3rd Plaintiff

Vs.

1.D.Jeyapal

2.R.Poomaniammal

...Respondents 1 & 2/
Defendants

3.R.Stalin Raj

4.R.Jeya

5.R.Selvi @ Jeyaselvi

... Respondents 3 to 5/
Plaintiffs 2 to 4

(Respondents 3 to 5 are notice may be dispense with)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order dated 21.08.2025 in un numbered O.S.No. of 2025 on the file of learned District Judge, Thoothukudi and to direct the learned District Judge, Thoothukudi to number the suit by allowing the above civil revision petition.

For Petitioner : Mr.M.Vijayarathinam



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ORDER

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The instant Civil Revision Petition has been filed to set aside the docket order dated 21.08.2025 in un numbered O.S.No. of 2025 on the file of learned District Judge, Thoothukudi and to direct the learned District Judge, Thoothukudi to number the suit by allowing the above civil revision petition.

2. The plaint has been returned on 21.08.2025 indicating that there was a deficit Court fee to be paid. It is to be noted that when the suit was originally returned on 25.06.2025, very same issue has been raised. The petitioner, in compliance report dated 18.08.2025 had explained in detail with regard as to how the petitioner had valued the suit. However, without considering the said report, the plaint was again returned on 18.07.2025 indicating that the earlier return had not been complied with. The same was also represented by the petitioner on 18.08.2025 and again on 21.08.2025, the plaint was again returned.

3. When the petitioner had indicated in compliance report that as to how the petitioner is not entitled to pay deficit Court fee, it is for the Court below to hear the petitioner and thereafter take a decision in



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consonance with the provisions under Order VII Rule 10A of the C.P.C.

The same has not been followed. Hence, the Court below is directed to hear the plaintiffs with regard to the valuation of the suit and thereafter pass a detailed order in compliance with order VII Rule 11(b) and (c) of the C.P.C.

4. In view of the same, the Registry is directed to return the original plaint to the learned counsel for the petitioner to enable him to represent the same before the District Court, Thoothukudi. The Court below is directed to take on file the plaint and pass appropriate orders in accordance with law after hearing the plaintiffs as indicated above.

5. Accordingly, this Civil Revision Petition stands ordered. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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- 1.The District Court, Thoothukudi
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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