



C.R.P(MD)No.3227 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.01.2025

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3227 of 2024

Sr.Gloria (Sindhu Daniel)

... Petitioner

Vs.

1.His Grace Dr.Yacob March
Irenaiious Metropolitan,
President of the Chapter,
Mount Tabor Convent,
Pathanapuram,
Kerala State-689 695.

2.Rev.Sr.Saramma,
Mother Superior,
Mount Tabor Convent,
Pathanapuram,
Kerala State-689 695.

3.The Administrator,
Mount Tabor Mission Hospital,
Mathur, Pudukkottai District.
Tamil Nadu.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned



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order passed by the Court of the learned District Munsif, Keeranur, dated 04.12.2024 in unnumbered O.S.SR.No.163 of 2024 and set aside the same insofar as the first reason is concerned and further direct the learned District Munsif, Keeranur to number the original suit filed by the petitioner in unnumbered O.S.SR.No.163 of 2024 and dispose of the same within a reasonable time as may be specified by this Court and pass such further or other suitable order as this Court.

For Petitioner : Mr.K.Ragatheesh Kumar

ORDER

The present Civil Revision Petition for numbering the suit filed by the petitioner before the District Munsif, Keeranur and set aside the impugned order passed by the Court of the learned District Munsif, Keeranur, dated 04.12.2024 in unnumbered O.S.SR.No.163 of 2024 insofar as the first reason is concerned.

2. According to the revision petitioner, the suit has been filed for the following reliefs:

"a) Declare the resolution passed by the defendants 1 and 2 on 31.10.2024, removing the plaintiff from her position as a member of the convent and denying her rights



to the convent's properties and the resolution passed to remove the plaintiff from her membership based on the filing of a civil suit against the defendants is illegal, arbitrary and in violation of the plaintiff's right to access justice and due process as null and void, invalid and legally unsustainable.

b) Grant an injunction restraining the defendants from enforcing the said resolution, taking any further adverse action against the plaintiff based on the same or passing any further resolutions in contravention of the plaintiff's legal rights.

c) Grant an injunction restraining the defendants from interfering with the plaintiff's rights and duties as a member of the convent and her position at Mount Tabor Mission Hospital, including any attempt to force her resignation or removal from the said hospital.

d) The Hon'ble Court to issue a mandatory injunction against the defendants 1 and 2 provide all documents and materials requested by the plaintiff in her reply, dated 23.08.2024, including but not limited to the Registration Certificate, Constitution, Chapter meeting minutes, bank statements and any other relevant documents to substantiate the allegations against the plaintiff.

e) Direct the defendants to pay the costs of this suit,



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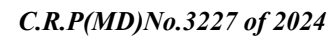
including the plaintiff's legal expenses.

f) Pass such other orders or grant such further reliefs as this Court may deem just, proper and necessary under the facts and circumstances of this case."

3. At the time of presentation of the plaint, it was returned on the ground that how the suit under Section 9 of the Civil Procedure Code, 1908 is filed without filing a writ petition. In spite of that the Trial Court has repeatedly returned the plaint stating one after other reasons. Aggrieved by this, the present revision is preferred.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. It is settled legal position that at the time of numbering the suit, the Court has to go in the averments in the plaint and the Court cannot conduct a roving enquiry taking the role of the defendant at the time of numbering the suit. If the suit is undervalued, the Court can decide the same as preliminary issue. Hence, the Trial Court is directed to number the plaint, if it is otherwise in order and dispose the same in accordance



6. With this observation, this Civil Revision Petition stands
 sed of. There shall be no order as to costs.

06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Registry is directed to return the original impugned order after getting acknowledgement.

To

The District Munsif Court,
Keeranur.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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