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CRP.No.750 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.02.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.750 of 2026**

T.Chellammal

... Petitioner

Vs.

S.Gayathri

...Respondent

**PRAYER** : Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the docket order passed in OSSR.No.6849 of 2025 dated 28.01.2026 by the learned Subordinate Judge, Alandur, Chengalpattu District and may be directed to number the suit.

For Petitioner

: Mr.S.Selvaraj

**ORDER**

This Civil Revision Petition is filed challenging the order of return passed by the trial Court on 28.01.2026.

2. The petitioner herein filed a suit seeking declaration that ½ share of the plaint mentioned 'B' schedule property as his absolute property and for consequential injunction.

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3. It is the case of the petitioner that the suit properties were purchased in the name of the defendants out of her funds.

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4. The trial Court returned the plaint on 18.12.2025 raising an objection that how the suit prayer was maintainable when the averment contained in the plaint attracted provision of Benami Transactions (Prohibition) Act, 1988. The petitioner represented the papers on 02.01.2026 by offering his explanation. The petitioner also requested the Court to call the matter in open Court, if the Court was not satisfied with the explanation.

5. Thereafter, when the matter was called in open Court on 20.01.2026, there was no representation on the side of the petitioner/plaintiff. Hence, the matter was adjourned to 28.01.2026. On 28.01.2026, the Court heard the petitioner and passed an following order:

*“ Heard. Earlier return hold. To be complied within two weeks.”*

Therefore, again the papers were returned. When the Court raised an objection with regard to the maintainability of the plaint, the petitioner had offered his explanation while representing the papers. Thereafter, the matter



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was heard in the open Court. If the trial Court is satisfied with the explanation offered by the petitioner, the plaint shall be numbered and matter shall be proceeded with in accordance with law. If the trial Court is not satisfied with the explanation offered by the petitioner, then the trial Court should have passed an order on merits with regard to the maintainability. Instead of passing an order on the maintainability of the plaint, again the plaint was returned and the procedure followed by the Court cannot be accepted. Therefore, the impugned order dated 28.01.2026 is set aside and the petitioner is directed to the represent papers by offering his explanation. If the trial Court is not satisfied with the explanation, the matter shall be heard in open Court. The order shall be passed on merits regarding the maintainability of the suit.

6. Accordingly, this Civil Revision Petition is disposed of.

24.02.2026

Index : Yes / No

Internet : Yes / No

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**Note: The Registry is directed to return the original plaint and original docket in O.S.SR.No.6849 of 2025 to the counsel for the petitioner, after obtaining necessary endorsement.**



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**S.SOUNTHAR, J.**

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To

The Subordinate Judge, Alandur,  
Chengalpattu District.

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**24.02.2026**

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