



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CRP No. 3094 of 2026

Munirathna

...Petitioner

Vs

1.Sadhamma

2.Munilakshmi

3.Thimmarayan

4.P. Shivalingam

5.P. Selvanayaki

6.K. Periyasamy Gounder

7.Dhanalakshmi

8.P. Eishanth

9.P.S.Preethy

..Respondent(s)

Prayer: Petition filed under Article 227 of the Constitution of India, praying to direct the Learned Principal Subordinate Judge at Hosur to number the suit filed in unnumbered O.S. SR. No. 2638 of 2026.

For Petitioner : Mr.M.Venkatesh

ORDER

The civil revision petitioner filed the suit seeking partition and for other reliefs. Even at the stage of numbering, the Registry of the learned Principal



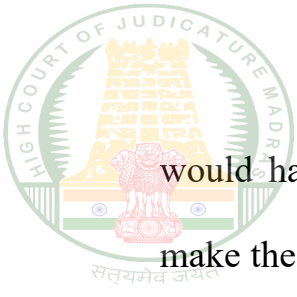
Subordinate Court at Hosur have raised certain queries regarding the rights of the plaintiff to entertain the suit. The plaintiff relied upon the Hindu Succession (Tamil Nadu Amendment) Act, 1989 (Act 1 of 1990) and represented the plaint.

Yet again, it has been returned calling upon the plaintiff to produce authorities. The plaintiff had re-presented it by relying upon the judgment of this Court in the case of *Selvaraj and others vs Koodankulam Nuclear Power Plant India Limited and others* in CRP(MD) Nos.915, 943, 967, 991 & 330 of 2020 dated 16.07.2021 rendered by the Hon'ble Mr.Justice N. Seshasayee. The last endorsement made by the Court is that “ Plaintiff Heard. For orders on 10.04.2026”.

2. Learned counsel appearing for the petitioner states that no orders has been passed by the learned Principal Subordinate Judge on 10.04.2026. Hence, this revision.

3. I have gone through the records.

4. The position of law as to the role of the Court at the time of numbering has been succinctly explained by the Hon'ble Mr.Justice N. Seshasayee in *Sevlaraj* case (*supra*). The learned Judge made it clear that the Civil Court at the time of numbering the plaint, does not perform any judicial act. If the plaint complies with the requirements of the code, it is duty of the Court to take it on file by issuing notice for the defendants. Maintainability or otherwise,



would have been gone into only after numbering. To expect the plaintiff to make the submissions of maintainability of the suit, before numbering the plaint and yet again, after the trial is completed, is a procedure unknown to the Code of Civil Procedure.

5. Hence, there shall be a direction to the learned Principal Subordinate Judge, Hosur to number the suit in O.S.SR.2638 of 2026. It is made clear that this Court has not gone into the issues of maintainability. It is for the trial Court to decide it at the first hearing of the suit, or later, in terms of the code of Civil Procedure.

6. Accordingly, the Civil Revision Petition is ordered. No costs.

27-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MSV

To
The Principal Subordinate Judge at Hosur



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V.LAKSHMINARAYANAN, J.

MSV

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