

Ravindran Vs. Padma and Others

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Court : Chennai Madurai

Decided On : Oct-24-2016

Judge : D. Krishnakumar

Appeal No. : C.R.P(PD)(MD)No. 2147 of 2016

Appellant : Ravindran

Respondent : Padma and Others

Judgement :

(Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to set aside Clause No.2 in the returned order in petition and order dated 9.9.2016 in unnumbered O.S.SR.No.156 of 2016 on the file of the Principal Sub-Judge, Nagercoil, Kanyakumari District and to direct the Principal Sub-Judge, Nagercoil, Kanyakumari District to number the main suit in O.S.SR.No.156 of 2016 and to decide the same on merits and in accordance with law.)

1. This revision has been filed seeking for a direction to set aside Clause No.2 in the returned order in petition and order, dated 09.09.2016 in unnumbered O.S.SR.No.156 of 2016, on the file of the Principal Sub-Judge, Nagercoil, Kanyakumari District and to direct the Principal Sub-Judge, Nagercoil, Kanyakumari District to number the main suit in O.S.SR.No.156 of 2016 and to decide the same on merits and in accordance with law.

2. According to the Petitioner, the trial Court ought to have numbered the suit in O.S.SR.No.156 of 2016 for recovery of advance amount and it is for the defendant to take defence regarding the registration of the sale agreement, dated 11.06.2013 before numbering the suit under Section 35 of the Stamp Act. Therefore, he filed the present Civil Revision Petition challenging Clause No.2 in the returned order in petition and order, dated 09.09.2016 in unnumbered O.S.SR.No.156 of 2016, on the file of the Principal Sub-Judge, Nagercoil, Kanyakumari District.

3. Heard the learned counsel for the Petitioner and perused the materials on record.

4. In view of the submission made by the learned counsel for the Petitioner and without expressing any opinion on the merits of the matter, this Court is inclined to pass the following Order:

1. The Principal Sub-Judge, Nagercoil, Kanyakumari District is directed to number the suit in O.S.SR.No.156 of 2016, on its file without insisting for Clause(2) in the returned order in petition and order, dated 09.09.2016 in unnumbered O.S.SR.No.156 of 2016 on the file of the Principal Sub-Judge, Nagercoil, Kanyakumari District and if the said plaint is in order and further, if other clauses have been complied by the revision Petitioner, the Principal Sub-Judge, Nagercoil, Kanyakumari District is directed to number the unnumbered O.S.SR.No.156 of 2016, subject to the condition that Clause (2) in the returned order in petition and order, dated 09.09.2016 in unnumbered O.S.SR.No.156 of 2016 shall be decided at the later stage of the suit.

5. With the above direction and observation, the Civil Revision Petition is disposed of. No costs.

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