

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.34 OF 2020

(Arising out of S.L.P.(C) No.18807 of 2019)

K. Jayan @ Jayakumar @ Jayakumaran Nair Appellant(s)

Versus

Sunitha and Another Respondent(s)

O R D E R

Leave granted.

The appellant is aggrieved by the order dated 27<sup>th</sup> June, 2019, dismissing his civil revision against an order of returning the plaint under Order 7 Rule 10 of the Civil Procedure Code.

Having heard learned counsel for the parties, we are satisfied that no issue of jurisdiction was involved to require invocation of Order 7 Rule 10 by returning the plaint. The order impugned is, therefore, unsustainable.

The impugned order is set aside and the appeal is allowed. The suit stands restored to proceed in accordance with law.

.....J.  
[Navin Sinha]

.....J.  
[Krishna Murari]

New Delhi  
January 07, 2020.

ITEM NO.36

COURT NO.15

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.18807/2019

(Arising out of impugned final judgment and order dated 27-06-2019 in CRPPD No. 765/2019 passed by the High Court of Judicature at Madras at Madurai)

K. JAYAN @ JAYAKUMAR @ JAYKUMAR NAIR Petitioner(s)

VERSUS

SUNITHA & ANR. Respondent(s)

Date : 07-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. M. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, AOR  
Ms. Richa Bharadwaj, Adv.

For Respondent(s) Mr. K. Rajeev, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of signed order.

(Chetan Kumar)  
A.R.-cum-P.S.

(Dipti Khurana)  
Court Master

(Signed order is placed on the file)