

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

CRP (PD) No.1492 of 2015
and M.P.No.1 of 2015

Thilagavathy

.. Petitioner

versus

1. Vasudevan
2. Muthukumaran
3. Boopathi

..Respondents

Petition filed under Article 227 of the Constitution of India against order of return of unnumbered I.A.No. of 2015 in O.S.No.280 of 2012, on 30.03.2015 on the file of the Principal District Munsif Court, Villupuram.

For Petitioner : Mr.C.Prabakaran

ORDER

The 1st plaintiff in O.S.No.280 of 2012 on the file of the Principal District Munsif Court, Villupuram, has filed the above Civil Revision Petition to direct the trial Court to receive and number the application filed by her under Section 10 of Civil Procedure Code.

2. The learned counsel appearing for the petitioner submitted that since in respect of the very same property, two suits are pending before the same Court, the revision petitioner filed an application under Section 10 of the Civil Procedure Code to stay the proceedings in O.S.No.280 of 2012. According to the learned counsel for the petitioner, the trial Court refused to receive the application filed by the revision petitioner.

M.DURAI SWAMY,J

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3. It is settled position that if an application is presented by a party to the proceedings, the Court should assign a number and decide the same on merits and in accordance with law. Refusal to receive the application itself cannot be appreciated.

4. In these circumstances, without expressing any opinion with regard to the merits of the case, I direct the Principal District Munsif, Villupuram to receive and number the application filed under Section 10 of Civil Procedure Code, by the 1st plaintiff in O.S.No.280 of 2012 and decide the same on merits and in accordance with law, within a period of four weeks from the date of numbering of the application, after hearing both sides.

With this observation, the Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition is closed.

09.04.2015

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Note: (1) Registry is directed to Issue order copy on 10.04.2015

**(2) Registry is directed to return the original application
filed in the CRP to the learned counsel for the
petitioner forthwith.**

To
The Principal District Munsif Court, Villupuram.

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