



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2015

CORAM:

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

C.R.P. (MD) .No.411 of 2015

B.Arun Ponswamy .. Revision Petitioner/Petitioner/Plaintiff

vs.

1.C.Subash Vijayan

2.C.Vijayakumar ... Respondents/Respondents/Defendants

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 09.01.2015 made in I.A.No.(Unnumbered) of 2014 in O.S.No.198 of 2007 on the file of the I Additional District Munsif Court, Nagercoil and direct the Court below to number the same and decide the same on merits after giving due opportunities to all parties.

For Petitioners : Mr.A.Arumugam

O R D E R

The plaintiff, who is the revision petitioner has filed an application to condone the delay in restoring the suit dismissed for default on 25.09.2013.

2. The said application was returned by the I Additional District Munsif Court, Nagercoil on the ground that the affidavit filed in support of the application, was filed by the father of the plaintiff without power of attorney deed. Subsequently, the plaintiff himself has also filed the additional affidavit supporting the application. Despite the same, the application was returned by the I Additional District Munsif Court, Nagercoil, An affidavit can be filed by any person, who has got knowledge about the facts of the case. Therefore, the I Additional District Munsif ought to have numbered the application and decided the same on merits. At least when the plaintiff himself had filed additional affidavit, subsequently the application could have been numbered.



3.As the application was now returned, the I Additional District Munsif, Nagercoil is directed to number the application and decide the same on merits on representation of the same.

4.In view of the above, this Court directs the petitioner to represent the same before the I Additional District Munsif, Nagercoil within 30 days from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

The I Additional District Munsif,  
Nagercoil.

+1cc to Mr.A.Arumugam,Advocate, SR.No.11278

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