

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (NPD) No.4572 of 2010

1.B.Malathi

2.V.Anandhi

... Petitioners/Respondents/
Plaintiffs

Vs

M.Bhojan

... Respondent/Petitioner/
Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 30.09.2010 in I.A.No.157 of 2010 in O.S.No.18 of 2009, on the file of the District Munsif, Kotagiri, The Nilgiris.

For Petitioners : Mr.Bijesh Thomas

For Respondent : Mr.S.Dhanasekaran

O R D E R

Since the defendant has filed the application in I.A.No.157 of 2010 for rejection of plaint and the learned District Munsif, Kotagiri, The Nilgiris by an order dated 30.09.2010 has allowed the application by passing the orders, against which this Civil Revision Petition has been filed.

2. As per Section 14 of CPC, this petitioner/plaintiff ought to have approached the District Court, since it seems that the decree passed in I.A.No.157 of 2010 by rejecting the plaint which is an appealable order. Therefore, he sought for the liberty to approach the Appellate Court by way of filing the appeal suit. Accordingly, this Court has accepting his grievances and the Civil Revision Petition is closed, by returning the papers with liberty to the petitioner/plaintiff to file an appeal before the Appellate Court though the decree has been passed in I.A.No.157 of 2010 on 30.09.2010 by rejecting the plaint and the copy was made ready on 11.10.2010, this Civil Revision Petition has been filed on 22.12.2012, within the time limit. Hence, the Civil Revision Petition is closed, by giving

liberty to the petitioner to file an appeal before the First Appellate Court and the first Appellate Court without directing to file condone delay application to number the appeal, since the Civil Revision Petition has been filed within a period of 30 days before this Court, without filing the appeal before the Appellate Court and to dispose the same.

3.Registry is directed to give the original judgment and decree to the petitioner and the petitioner is directed to file the appeal within a period of two weeks from ***the date of receipt of a copy of this order. The first appellate court is directed to dispose the appeal within a period of three months from the date of numbering of the appeal.** No costs.

Sd/-

Assistant Registrar(CS II)

dt.16.12.16

***Amended as per order dt.18.1.17**

made in CRP.NPD.No.4572/10

sd/-

Assistant Registrar (Co)

dt.1.2.17

//True Copy//

Sub Assistant Registrar

To

The District Munsif,
Kotagiri,
The Nilgiris.

***To be substituted for the order
already despatched on 16.12.16**

***1 cc to Mr.Bijesh Thomas,advocate,sr.3508**

+1 cc to Mr.V.Raghunathan,advocate,sr.3886.

C.R.P.No.4572 of 2010

NM I(CO)

CA(16/12/2016)

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