



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.11.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CIVIL REVISION PETITION (MD) (NPD) (PD) No.2183 of 2016
AND

CMP (MD) No.10146 of 2016

Pechiyammal .. Petitioner/Petitioner/3rd party
vs1.Arulmigu Kasi Viswanathar
Vishalakshmi Amman Thirukovil,
Through its present Dharmakartha,
Shanmugaraja.1st Respondent/1st Respondent/
Petitioner/Plaintiff2.Subbaiah Chettiar2nd Respondent/2nd Respondent/
2nd Respondent/Defendant.

The Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 05.10.2016 passed in unnumbered E.A. of 2016 in E.P.No.3 of 2016 in O.S.No.50 of 2008 on the file of District Munsif, Sathankulam.

For Petitioner ... Mr.P.M.Vishnuvarthan
For Respondents ... No AppearanceO R D E R

The Civil Revision Petition has been filed against the docket order dated 05.10.2016 passed in unnumbered E.A. in E.P.No.3 of 2016 in O.S.No.50 of 2008 on the file of learned District Munsif, Sathankulam.

2.Heard the learned counsel for the petitioner.

3.According to the petitioner, the first respondent herein filed a petition in E.P.No.3 of 2016 in O.S.No.50 of 2008 on the file of the learned District Munsif, Sathankulam to evict the second respondent herein. The petitioner herein filed an application in E.P.No.3 of 2016 to accept the objection and not to evict the revision petitioner in the suit property. The learned District Munsif, Sathankulam by an order dated 05.10.2016 without remeasuring the application returned the same with a query as to how, the application is maintainable. Hence, the petitioner has come forward with the present civil revision petition.



4. Prima facie, this Court is not inclined to entertain the civil revision petition for the reason that at the first instance, the Court below has returned the papers raising the query regarding maintainability. The petitioner has to explain the reason for the query pointed out by the Court below for numbering the application. But, the petitioner instead of complying with the query raised by the Court below, regarding maintainability of application, straight away approached this Court by filing the present civil revision petition.

5. In such circumstances, considering the submissions made by the learned counsel for the petitioner, this Court passes the following order.

"1. The revision petitioner is directed to represent the application within a period of one week from the date of receipt of a copy of this order by complying with the defects pointed out by the Court below.

2. After representation of the papers, the Court below is directed to number the application if it is otherwise in order, subject to the maintainability and decide the issue involved in the application at the later stage after providing opportunity to both parties as early as possible."

6. The civil revision petition is disposed of with the above said directions. There is no order as to costs. The Registry is directed to return the originals after obtaining xerox copies from the petitioner. Consequently, the connected C.M.P is closed.

Sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To
The District Munsif, Sathankulam.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High court,
Madurai.

+1CC to M/S.P.M.Vishnuvarthanan, Advocate, SR.No. 73949
CIVIL REVISION PETITION (MD) (NPD) (PD) No.2183 of 2016
AND

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Date: 29.11.2016