



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

CRP (MD).No.764 of 2016

Ramana Asari : Revision Petitioner/Petitioner

Vs.

1. Sakthivel
2. Ramachandran
3. Rajkumar
4. Arumugam
5. Maheshkumar
6. The Tahsildar
Taluk Office, Pudukkottai and Taluk,
Pudukkottai.
7. The District Collector,
District Collector Office,
Pudukkottai Taluk
Pudukkottai District. : Respondents/Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the return order of learned Subordinate Judge, Pudukkottai in Original Petition SR.No.453, dated 11.01.2016 where under the petition/ plaint of petitioner has been returned on 17.02.2016.

For Petitioners : Mr. N. Balakrishnan
For respondents 1 to 5 : No appearance
For Respondent No.6 : Mr. G. Muthukannan

ORDER

This Civil Revision Petition has been filed against the return order of learned Subordinate Judge, Pudukkottai in Original Petition SR.No.453, dated 11.01.2016 where under the petition/ plaint of petitioner has been returned on 17.02.2016.

2. According to the counsel for the petitioner that the petitioner filed POP SR.No.453, dated 11.01.2016 before the Subordinate Judge, Pudukkottai, for declaration and permanent injunction and recovery of possession and others and the petitioner also filed affidavit and petition along with said POP to declare the



petitioner as indigent person under Order 33 Rule 1 of CPC. In view of the plaint was returned, directing the petitioner herein to pay the Court fees, the said affidavit and petition filed by the petitioner also returned.

3. According to the Government Advocate that the petitioner has to filed an application before the Sub Court, Pudukkottai under Order 33 Rule 1 of the CPC and thereafter, the same shall be considered by the Sub Court , after providing an opportunity to all the parties concerned. But, on perusal of the records it shows that the affidavit and petition alone has been filed by the petitioner, without in the proper format.

4. In view of the submission made by the learned counsel for the parties, I am inclined to pass the following order:-

(iii) The petitioner is permitted to represent the POP SR.No. 453 before the Sub Court, Pudukkottai, within a period of one week from the date of receipt of a copy of this order and liberty is granted to the petitioner, to file a fresh interim application in the above POP.

(ii) If such application is being filed within a period of two weeks, the Sub Court, Pudukkottai is directed to number the said Application as per the procedure and the same shall be considered in accordance with law.

(iii) Registry is also directed to return the original POP papers after obtaining copy of the same.

4. With the above direction, the Civil Revision is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

The learned Subordinate Judge, Pudukkottai.

+2 cc's to M/s.N.Balakrishnan, Advocate in SR.No.63992&63951

CSL/KM/SAR-III/26.10.2016: 2P/4C

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