

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1114 of 2017 &

C.M.P.No.5391 of 2017

M.Rejitha

... Petitioner

v.

1.M.Giresh

2.Reshma

3.M.S.Sijin

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the return of the petition in I.A.SR.No.4563 of 2016 in OS.No.11 of 2016 on the file of the District Judge, Udthagamandalam, The Nilgiris.

For Petitioner : Mr.J.Franklin

ORDER

The first defendant in O.S.No.11 of 2016 on the file of District Court, Udthagamandalam at The Nilgiris, has filed the above Civil Revision Petition, challenging the Docket Order passed in I.A.SR.No.4563 of 2016 in O.S.No.11 of 2016.

2. The learned counsel appearing for the petitioner submitted that the first defendant filed an application under section 10 of CPC in I.A.SR.No.4563 of 2016 and that the Trial Court had raised a query with regard to maintainability of the application and returned the papers. The learned counsel further submitted that the application was represented, however, the Trial Court has not numbered the said application.

3. It is brought to the notice of this court that the first defendant was not given an opportunity to make his oral submissions with regard to maintainability of the application.

4. In these circumstances, I direct the District Court, Udthagamandalam, to give an opportunity to the first defendant to make

his oral submissions with regard to maintainability of the application and after hearing the submissions made by the first defendant, the District Court, Udhagamandalam, is directed to decide the issue with regard to maintainability of the application and pass suitable orders. The petitioner is directed to make his submissions with regard to maintainability of the application, within a period of one week from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2017

Index : Yes/No

Note : Issue copy of the order by 27.03.2017

Rj

To

The District Judge
Udhagamandalam
The Nilgiris

M. DURAISWAMY,J.,

Rj

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