



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1460 of 2017

WEB COPY

M.N.Subramanian ... Petitioner / Petitioner / Respondent/
Defendant

-vs-

V.Chidambara Kalyani ... Respondent / Respondent/ Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, directing the Trial Court (I Additional Sub Court, Tirunelveli) to the unnumbered I.A.No..... of 2014 (SR No.8002 of 2014) in I.A.No.176 of 1986 in O.S.No.114 of 1986 on the file of I Additional Sub Court, Tirunelveli.

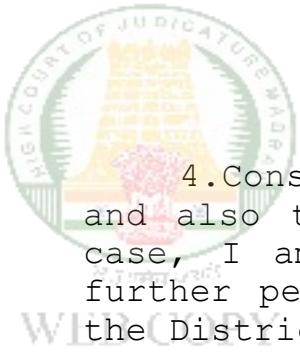
For Petitioner : Mr.V.Meenakshisundaram

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, seeking a direction from this Court to the Trial Court (I Additional Sub Court, Tirunelveli) to number the unnumbered I.A.No..... of 2014 (SR No.8002 of 2014) in I.A.No.176 of 1986 in O.S.No.114 of 1986 on the file of the I Additional Sub Court, Tirunelveli.

2.It is found that the petitioner has filed the above said application under Order 38 Rule 11B C.P.C. It is further found that the counsel for the respondent has taken notice on the said application and endorsed no counter. Further, according to the petitioner's case, in the main suit itself, the learned counsel for the respondent/plaintiff has filed a memo to record the full satisfaction of the decree amount and the same had been ordered by the Court on 07.02.1994.

3.However, it is noted that the Court below has not taken the application on file on the ground that the back bundle records of the matter had not been received from the District Court. Further, it is found that the said application has been remaining idle without any action on the footing that the back bundle records are not available before the Court concerned.



4.Considering the position of the endorsement of no counter and also the full satisfaction having been recorded in the main case, I am of the opinion that this matter should not be kept further pending for the reason that the back bundle records from the District Court are not received.

5.In the light of the above position, the Court below is directed to take up the application on file and dispose of the same in accordance with law. Accordingly, this Civil Revision Petition is allowed.

Sd/-
Assistant Registrar (AD-II)
/True copy/

Sub Assistant Registrar

To:
The I Additional Sub Judge,
Tirunelveli.

+1 CC to M/s.D.NALLATHAMBI, Advocate, SR No. 72985.

MYR/SMI
PSM/KK/SAR1/29.08.2017/2P/3C

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