



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) No.770 of 2017

1.C.Premkumar

2.Minor C.Dhilipan Rajan

3.Minor C.Suganthi

(Minor petitioners 2 and 3 are represented
by their brother and next friend,
the 1st petitioner herein)

.. Petitioners

Vs.

1.V.Chellapandian

2.V.Chellamariappan

3.Minor C.Vasantharajan

4.Minor C.Vidhya

(Minor respondents 3 and 4 are represented
by their father and natural guardian,
the 2nd respondent herein)

5.V.Chellamuruganandam

6.Minor C.Vanaja

7.Minor C.Vimalraj

8.Minor C.Viswanath

(Minor respondents 6 to 8 are represented
by their father and natural guardian,
the 5th respondent herein)

9.V.Selvaraj

10.Minor S.Sathurasiva

11.Minor S.Roobershranj

(Minor respondents 10 and 11 are represented
by their father and natural guardian,
the 9th respondent herein)

12.V.Chellathai

13.K.Chellamariamammal

14.Lakshmi Vilas Bank,

Rep. By its Branch Manager,
Thoothukudi Branch,



15. The Recovery Officer,
Debts Recovery Tribunal,
Madurai.

16. K.Backiyaraj

17. R.Selvaraj

18. Jeyapandi

.. Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India by the Petitioner to direct the lower Court to number the Restoration Petition in I.A.Diary No. 11686 of 2016 in O.S.No.90 of 2009 on the file of Sub Court, Thoothukudi and dispose the same within a stipulated time.

For Petitioner

: Mr. R.Subramanian

O R D E R

The Revision Petitioners state that they filed three impleading petitions in I.A.Nos.192, 239 and 139 of 2010 and the same were allowed by the Court on 10.06.2011, 27.10.2010 and 10.06.2011 respectively. Pursuant thereto, they filed an application to carry out amendment and that application was returned for rectifying certain defects. Before re-presenting that application to carry out amendment, the suit itself was dismissed for default on 29.11.2016. Hence, they have taken out an application to restore the suit on file. The said application filed on 23.12.2016 is neither numbered nor returned.

2. Therefore, the Revision Petitioners have filed this revision petition, seeking direction to the lower Court, to number the restoration petition filed in I.A. Diary No. 11686 of 2016 in O.S.No.90 of 2009 on the file of Sub Court, Thoothukudi.

3. When this Court posed a question to the counsel for the petitioners, whether this application has been returned for any compliance or so far, it has not been taken up for consideration, the learned counsel submitted that the application has not been returned, but pending with the Registry of the Court below for numbering. He also furnished the returned copy application, with an endorsement by the Court below, "correct date of disposal to be given."

4. From the said return endorsement in the copy application, it is not known whether the revision petitioners have filed any application for restoration and the same been assigned S.No. 11686 of 2016 dated 23.12.2016. Therefore, if any such application been filed by the revision petitioners in the Registry



of the Sub Court, Thoothukudi, and not yet been taken up for consideration, the Court below shall consider the same forthwith.

With the above direction, this Civil Revision Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Thoothukudi.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 51977

GK/TSK

TE/SV-MMS : 21/04/2017 : 3P/3C

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