

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (NPD) No.272 of 2018
and
CMP. No.1500 of 2018

P.Mohan

.. Petitioner

Vs

1.K.Govindasamy
2.V.Rajasekaran

.. Respondents

PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the order of returning the application dated 14.12.2017 against R.E.A.SR.No.7448 of 2017 in R.E.P. No.5 of 2016 in O.S. No.130 of 2015 on the file of Principal Subordinate Court, Krishnagiri.

For Petitioner :Mr.C.Prabakaran

ORDER

This Civil Revision Petition is filed against the order of returning the application dated 14.12.2017 against R.E.A.SR.No.7448 of 2017 in R.E.P. No.5 of 2016 in O.S. No.130 of 2015 on the file of Principal Subordinate Court, Krishnagiri.

2. The learned counsel appearing for the petitioner would submit that the Execution Application in R.E.A.SR.No.7448 of 2017 in R.E.P. No.5 of 2016 in O.S. No.130 of 2015 has been filed by the petitioner on 14.12.2017 and the said application was returned on the same day with an endorsement "*Petition under Order 21 Rule 106 returned*". Challenging the aforesaid return the petitioner has preferred the present Civil Revision Petition before this Court.

3. Without considering the petitioner's explanation, the Court below returned the papers. Therefore, this Court is inclined to pass order as follows:

1.The Revision Petitioner is permitted to represent the application with proper explanation for the defects pointed out by the Court below within a period of one week from the date of receipt of a copy of this order.

2. In the event of the said application has been filed by the petitioner, the Court below if satisfies, and if it is in order, the Court below is directed to consider the application and to number the same.

4. In the light of the above, the Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No Costs.

25.01.2018

Speaking / Non Speaking order

Index :Yes/No

Internet :Yes/No

RKP

Note: Registry is directed to return the original copy of the plaint to the petitioner after obtaining a copy of the same.

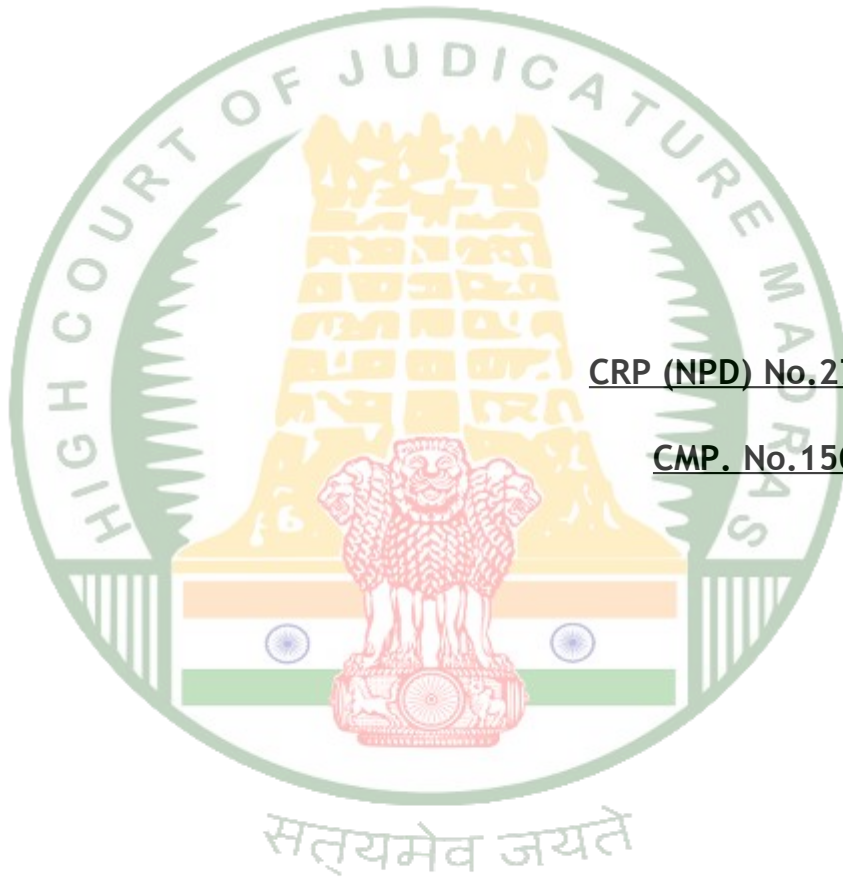
Issue order copy on 29.01.2018

To:

The Principal Subordinate Judge,
Krishnagiri.

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D. KRISHNAKUMAR J.,
RKP



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