

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(NPD).No.85 of 2018 and
CMP.No.405 of 2018 in
CRP.No.SR85720 of 2017
and CRP.No.SR85720 of 2017

E.Srinivasan

.. Petitioner

Vs

A.Raghavan (Died)

- 1.Bhuvaneswari
- 2.Sarasu
- 3.Venkatesan
- 4.Selvaraj
- 5.Chinnammal
- 6.R.Kanniammal
- 7.S.Arjunan
- 8.Valarmathi

.. Respondents

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Judge at Chengalpattu to receive the application in IA.SR.No.4405 of 2017 filed in OS.No.41 of 2011 and number the same, pending on the file of the Principal Sessions Judge at Chengalpattu. CRP.Sr.No.85720 of 2017 is filed under Article 227 of the Constitution of India praying to set aside

the order dated 25.02.2015 passed in IA.No.587 of 2014 in OS.No.41 of 2011 pending on the file of the Principal District Judge, Chengalpet.

For Petitioner : M/s.S.Sivasankari

ORDER

According to the revision petitioner, the revision petitioner has filed an application in IA.Sr.No.4405 of 2017 in OS.No.41 of 2011 on the file of the Principal District Judge, Chengalpet to set aside the Judgment and Preliminary decree dated 10.02.2012 passed in OS.No.41 of 2011. The aforesaid application was filed on 09.06.2017. The court below returned the said application on 09.06.2017 with an endorsement how the application is maintainable when the suit itself was dismissed. Challenging the aforesaid return made by the court below, the revision petitioner has approached this Court.

2. It is clear from the aforesaid fact that the revision petitioner has not chosen to re-present the above application with explanation to satisfy the court below and has filed the present Civil Revision Petition before this Court. Therefore, at this stage, this Court is not inclined to entertain the Civil Revision Petition. However, liberty is granted to the revision petitioner to re-present the said application by submitting the explanation for the reasons stated in the return. On receipt of such re-presentation, the trial court is directed to consider

the said application and if it is satisfied and the same is in order, the number it and decide in accordance with law.

3. Thus, the Civil Revision Petition is dismissed with above directions. No costs. The Registry is directed to return the original certified copy of the application in IA.Sr.No.4405 of 2017 to the learned counsel for the revision petitioner after obtaining a copy of the same.

4. In view of the aforesaid order passed by this Court, the petition in CMP.No.405 of 2018 and the CRP.No.SR85720 of 2017 are also closed. However, it is open to the revision petitioner to file an application before the court below, if it is permissible under law.

12.01.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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D. KRISHNAKUMAR J.,

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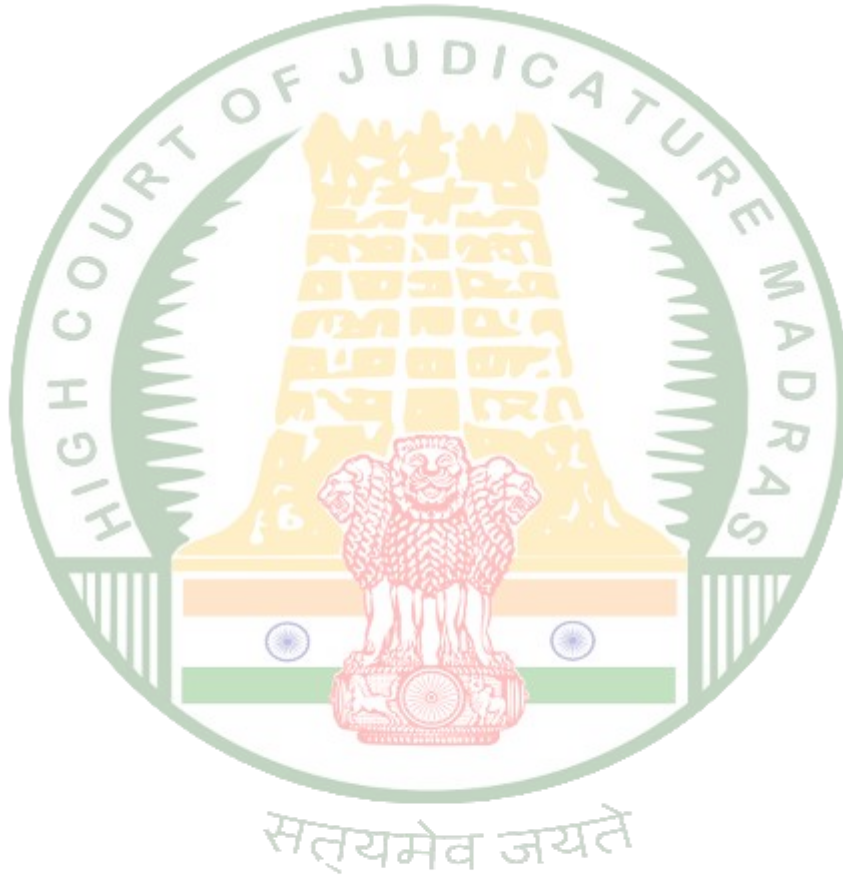
To
The Principal District and Sessions Judge,
Chengalpattu.



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CRP.No.SR85720 of 2017
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