

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25561 of 2017

P.Krishnamoorthy

... Petitioner

Vs.

1. Kuppu
2. K.Santhiya
3. Pavithra

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the return endorsement made by the Learned Judicial Magistrate, Thirukovilur dated 08.09.2017 and to direct him to take the case on file CMP.No.2873 of 2017.

For Petitioner : Mrs.A.Jayanthi

For Respondents : No appearance

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to set aside the return endorsement made by the Learned Judicial Magistrate, Thirukovilur dated 08.09.2017 and to direct him to take the case on file CMP.No.2873 of 2017.

2. It is claimed by the petitioner that his application seeking to set aside the exparte decree was accompanied by a petition for condoning the delay in filing the petition. The Registry of the Judicial Magistrate Court, Thirukovilur, however seems to have returned the papers on 08.09.2017 stating that the petition was time barred. In case, the petition was accompanied with a condone delay petition, the registry ought to have numbered the applications for condoning delay in filing the petition to set aside the exparte decree, if it is otherwise in order.

3. Hence, the petitioner is granted liberty to represent the original petitions within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the registry of the Judicial Magistrate Court, Thirukovilur shall endeavour to number the same on its own merits.

4. Accordingly, the Criminal Original Petition stands closed,
with the above observations.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vum/nl

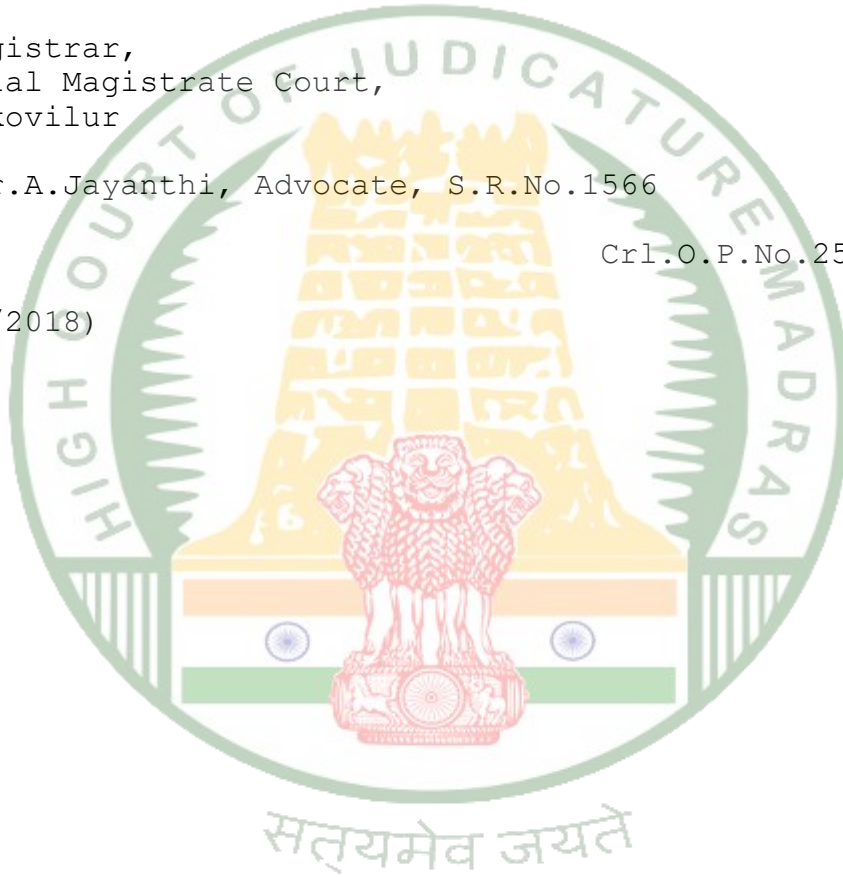
To

1. The Registrar,
Judicial Magistrate Court,
Thirukovilur

+lcc to Mr.A.Jayanthi, Advocate, S.R.No.1566

Crl.O.P.No.25561 of 2017

CNR(CO)
RRK(31/01/2018)



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