

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No.3895 of 2018

Periyasamyraja

...Petitioner

vs

Narayanasamy (died)

Sellamuthu

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Subordinate Judge, Sankari to number the A.S.SR.No.980 of 2012 filed on 20.01.2012 as against the Judgment and Decree passed in O.S.No.428 of 2004 on the file of the District Munsif Court, Sankari.

For Petitioner : Mr.R.Marudhachalamurthy

ORDER

The limited prayer sought for in the present revision petition is for a direction to the trial Court to number the A.S.SR.No.980 of 2012, as against the Judgment and Decree passed in O.S.No.428 of 2004.

2. The second plaintiff, who is the petitioner herein in O.S.No.428 of 2004 has filed the suit along with the deceased Narayanasamy, before the District Munsif Court, Sankari for permanent injunction. The said suit was dismissed against which, the plaintiffs have preferred First Appeal before the Sub Court, Sankari.

3. It is seen that the appeal papers have not yet been numbered and not even returned with any endorsement by the First Appellate Court. As the plaintiffs have filed the First Appeal, it is incumbent on the part of the First Appellate Court, either to return the appeal papers, if it is not otherwise in order or number the same, if it is in order and dispose of the matter. As the First Appeal has not yet been numbered, it is alleged by the petitioner that the defendants are trying to disturb the plaintiffs peaceful possession and enjoyment.

4. Hence, it would be appropriate to direct the learned Subordinate Judge, Sankari to direct his Registry to number the appeal in A.S.SR.No.980 of 2012, within a period of one week from the date of receipt of copy of this order, if it is otherwise in order.

5. Accordingly, the Civil Revision Petition stands disposed of. No costs.

07.12.2018

Index:Yes/No
Speaking Order: Yes/No
hvk

To
The Subordinate Judge,
Sankari.



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M.S.RAMESH.,J

hvk



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