

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 2938 of 2018

and

C.M.P.No.17225 of 2018

C.Sambangi

...Petitioner

Vs

k.Chakkaravarthy

...Respondent

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the Fair and Decreetal Order dated 06.09.2018 made in I.A.SR.No.388 of 2018 in A.S.No.124 of 2017 on the file of the Additional District Judge, Fast Tract Court, Vellore and to allow the Civil Revision Petition.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : No Appearance

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ORDER

Though notice has been served on the respondent and the name is printed in the cause list, none appeared on his behalf.

2. The petitioner's application filed under Order 26 Rule 9 of CPC has been rejected even without numbering, challenging which, the present revision has been filed.

3. There is no procedure contemplated under the Civil Procedure Code or under the Civil Rules of Practice which entitles the Appellate Court to reject the application even without numbering. In the absence of any procedure contemplated, the order itself may not have any validity. As such, it would be appropriate to set aside the order.

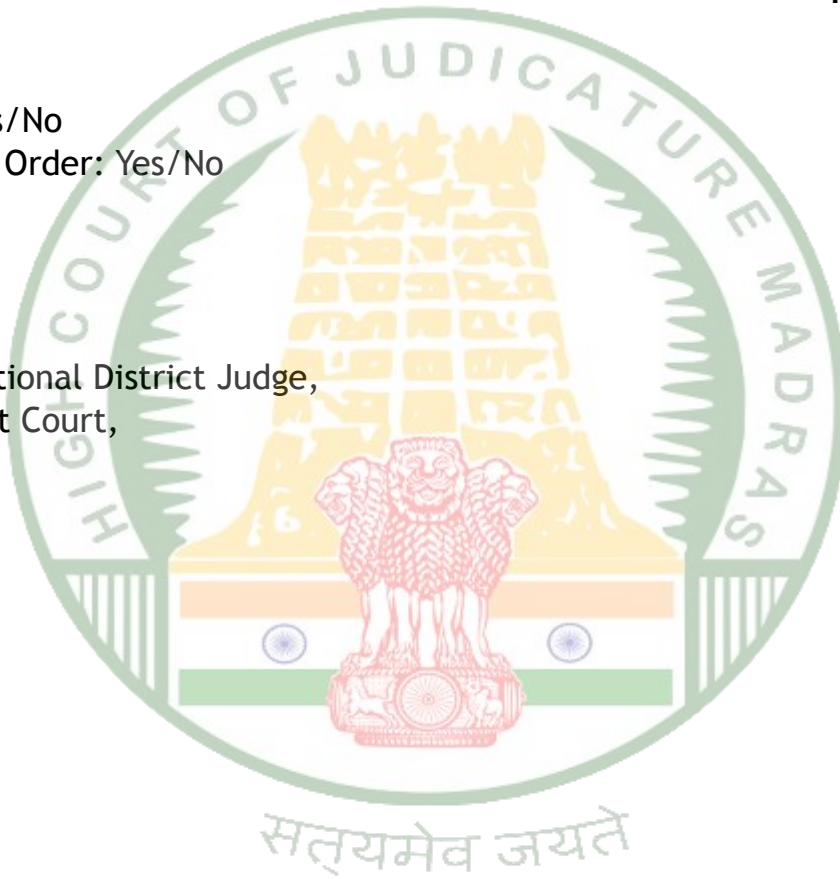
4. Hence, the order in I.A.SR.No.388 of 2018 in A.S.No.124 of 2017 is set aside. Consequently, the learned Additional District Judge, Fast Tract Court, Vellore is directed to take up the said application and number the same and dispose it off afresh, after giving due opportunities to the parties. Such an exercise of numbering the application shall be made within a period of one week from the date of receipt of copy of this order. Registry of this Court is directed to return the original petition to the petitioner.

5. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

13.11.2018

Index:Yes/No
Speaking Order: Yes/No
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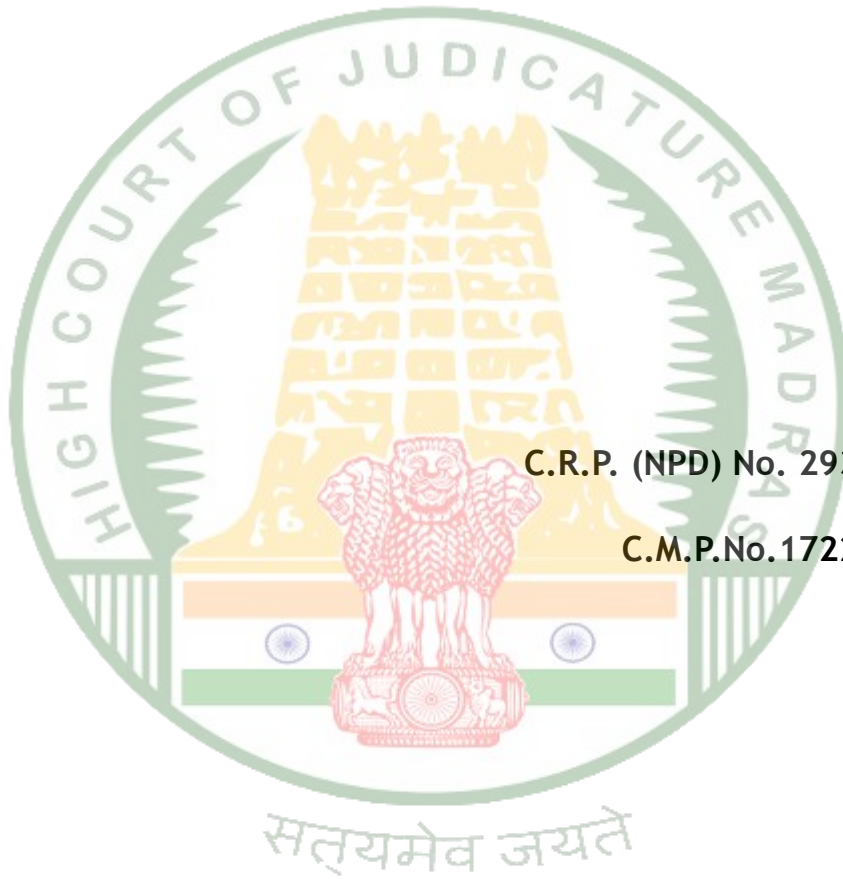
To
The Additional District Judge,
Fast Tract Court,
Vellore.



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M.S.RAMESH.,J

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