

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 3601 of 2018

P.Amaresan

...Petitioner

Vs

1. S.Chinnaraj

2. C.Rani

3. C.Balaj

...Respondents

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the petition and docket order dated 31.08.2018 passed in I.A.No.Nil of 2018 in O.S.No.02 of 2018 by the Principal District Munsif Court, Cheyyar.

For Petitioner : Mr.G.Arunachalam

ORDER

It is rather unfortunate that this Court is being made aware of various docket orders being passed in unnumbered applications questioning the maintainability of an application on legal grounds.

2. In the present case, the Registry of the learned District Munsif, Cheyyar has returned the petitioner's application seeking for appointment of Advocate Commissioner on the ground that the petitioner had belatedly filed this application and that the petitioner cannot seek for gathering evidence by way of appointment of a Commissioner.

3. I am unable to comprehend as to how the Registry of the learned District Munsif, Cheyyar can raise such queries even without numbering the application and closing. There is no procedure contemplated either under the Civil Procedure Code or under the Civil Rules of Practice empowering the Courts to return the applications of this nature at the unnumbered stage itself. Registry of the Subordinate Courts cannot act as Judges and question the legal issues involved in the application.

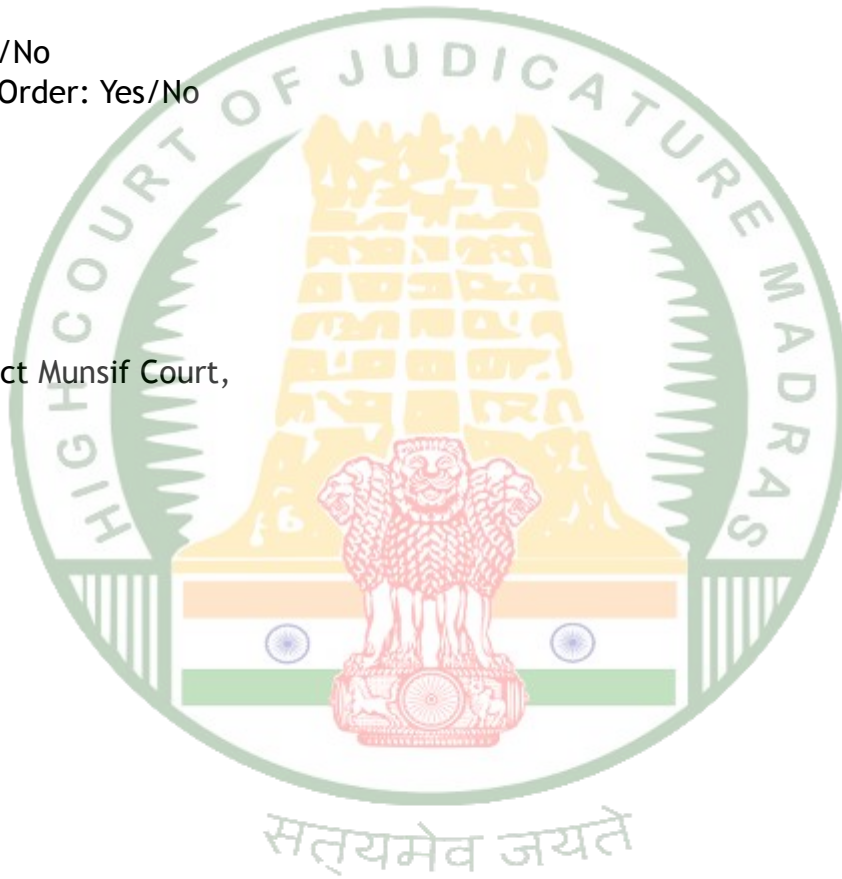
4. In the light of the above observations, the learned District Munsif, Cheyyar is directed to instruct his Registry to number the I.A.No.Nil of 2018, if it is otherwise in order, within a period of one week from the date of receipt of copy of this order. Registry is directed to return the original application to the revision petitioner.

5. Accordingly, the Civil Revision Petition stands ordered. No costs.

16.11.2018

Index:Yes/No
Speaking Order: Yes/No
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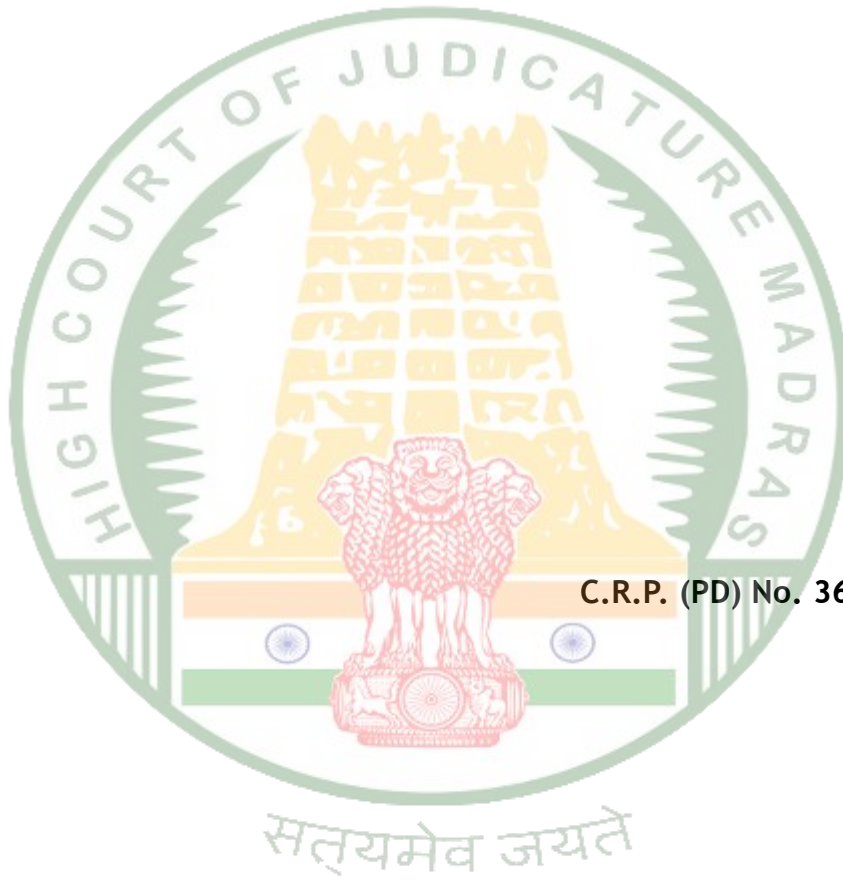
To
The District Munsif Court,
Cheyyar.



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M.S.RAMESH, J.

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