

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 3608 of 2018

and

C.M.P. No. 20719 of 2018

Sundarambal ...Petitioner

Vs

Kasiviswanathan ...Respondent

Prayer: Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the order dated 01.10.2018 passed by the learned Principal Sub Judge, Salem in unnumbered I.A.SR.No.9506 of 2018 in O.S.No.49 of 2017.

For Petitioner : Mr.P.Jagadeesan

ORDER

The application filed by the petitioner herein to send the original handwriting calculation sheet for Forensic analysis, has been returned with an endorsement stating that the petition is not maintainable, since the document sought for is not relevant to the suit. There is no procedure contemplated under the Civil Procedure Code or under the Civil Rules of Practice, whereby

the Registry of the trial Court can raise such objections even before numbering the application. If at all the Court is of the view that such a document does not require consideration, the same could be considered after giving due opportunities to the parties.

2. As such, the Registry of the Principal Subordinate Court, Salem may not be justified in rejecting the application at the threshold itself. On this short point, the Civil Revision Petition has to be allowed.

3. The docket order dated 01.10.2018 passed in I.A.SR.No.9506 of 2018 in O.S.No.49 of 2017 is set aside. Consequently, the learned Principal Subordinate Judge, Salem is called upon to direct the Registry to number the application in unnumbered I.A.SR.No.9506 of 2018, if it is otherwise in order, within a period of one week from the date of receipt of copy of this order.

4. Accordingly, the Civil Revision Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.11.2018

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

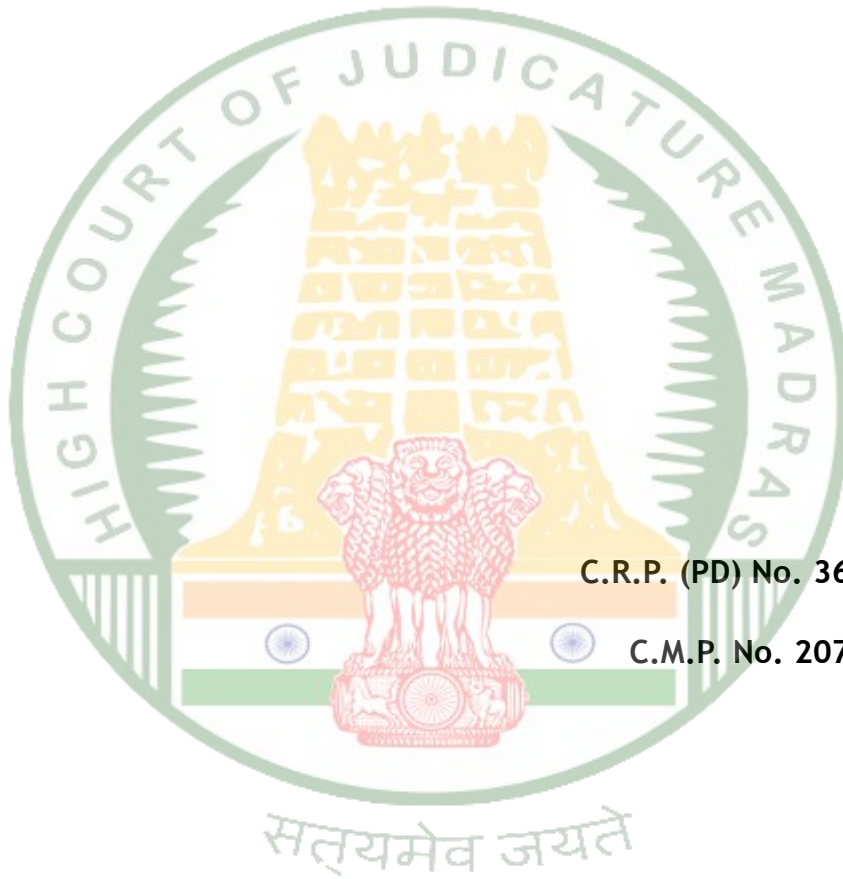
To
The Principal Subordinate Judge,
Salem.



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M.S.RAMESH, J.

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