



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P (MD) No.288 of 2018 (PD)

and

CMP (MD) No.1274 of 2018

Seenika R.K.Rasu @ Venkatachalam

(Arulmigu Navaneetha Swamy and
Durkkai Amman Vakaiyara Temples Trustees
Voter list - Voter No.689)

... Petitioner/1st Petitioner/3rd party

Vs.

1.Kariyakara M.Perumal
2.V.R.Sethuraman
3.T.Srinivasan
4.M.P.Gopalakrishnan
5.K.Mohan
6.K.Gunasekaran
7.T.Karunanithi

... Respondents 1 to 7/ Respondents 1 to 7
/3rd parties

8.V.Saravanan
9.R.Thangamuthu
10.Mokkapadi P.Rajendran
11.N.M.Sundar
12.M.Govindaraj
13.N.R.Nallendiran
14.D.Kesavan
15.N.Ramkumar

... Respondents 8 to 15/ Petitioners
/3rd parties

PRAYER: Civil Revision Petition filed under Article 227 of
Constitution of India, to direct the District Court,
Tiruchirappalli, to take the unnumbered I.A.No.-- of 2017 in
I.A.No.95 of 2017 in O.S.No.1 of 1902 on file and dispose of the
same on merit.

For Petitioner

: Mr.B.Rajesh Saravanan

**ORDER**

This Civil Revision Petition has been filed challenging the return of unnumbered I.A.No.--- of 2017 in I.A.No.95 of 2017 in O.S.No.1 of 1902 on the file of the District Court, Tiruchirappalli, dated 03.02.2018.

2. It is stated by the learned Counsel for the petitioner that he has filed an application seeking a direction to the Advocate Commissioner to prepare the voters list, in accordance with "Thalaikattutharar list" (Members list) in the years 1964 and 1983 and the said Interlocutory Application was returned on 31.01.2018, even without numbering. The petitioner re-presented the same, after complying with all the defects pointed out by the Lower Court. But the Lower Court has not numbered the petition, instead, returned the same, aggrieved by which, this civil revision petition has been filed by the plaintiff.

3. It is seen from the records that the revision petitioner has presented the Interlocutory Application, to direct the Advocate Commissioner to prepare the voters list, in accordance with 1964 and 1983 "Thalaikattutharar list" (Members list). But, the learned Trial Judge, without numbering the Interlocutory Application, has returned the same on 31.01.2018.

4. A perusal of records shows that the petitioner has complied with all the defects pointed out by the learned Principal District Judge, Tiruchirappalli, and therefore, in my considered opinion, the learned Principal District Judge, Tiruchirappalli, ought to have numbered the application and disposed of the same, on merits and in accordance with law. But without doing so, he has returned the Interlocutory Application even without numbering.

5. Considering the facts and circumstances of the case, the petitioner is directed to re-present the papers relating to I.A.No.--- of 2017 in I.A.No.95 of 2017 in O.S.No.1 of 1902 on the file of the District Court, Tiruchirappalli, within a period of two weeks from the date of receipt of a copy of this order. The learned Principal District Judge, Tiruchirappalli, is directed to number the petition and decide the same on merits and in accordance with law, after affording opportunity to both parties.

6. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

The Principal District Judge,
Tiruchirappalli.

+ 1 cc TO Mr.B.Rajesh Saravanan , Advocate in SR No. 47383

rm

AE/SV MMS/SAR4/12.02.2018/3P/3C

C.R.P (MD) No.288 of 2018 (PD)
09.02.2018