



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P.(MD)Nos.875 to 877 of 2018 and

C.M.P(MD).No.3879 of 2018 in C.R.P.(MD).No.875 of 2018

Nagarathinam

: Petitioner in all C.R.Ps.

-Vs-

B. Senthilkumar

: Respondentb in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the docket order dated 27.02.2018 passed in un-numbered RCMA.Nos.... of 2018 in I.A.No.140 to 142 of 2017 in I.A.Nos. 34 and 35 of 2017 in RCOP.No.8 of 2016 on the file of the Principal Subordinate Court, Dindigul and to direct the Principal Subordinate Court, to number the RCMA.s.

For Petitioner

: Mr.C. Jeyaprakash in all CRPs

For Respondent

: Mr. M.P. Senthil in all CRPs.

O R D E R

These Civil Revision Petitions are filed against the docket orders, dated 27.02.2018 passed in un-numbered RCMA.Nos.... of 2018 in I.A.Nos.140 to 142 of 2017 in I.A.Nos. 34 and 35 of 2017 in RCOP.No.8 of 2016, on the file of the Principal Subordinate Court, Dindigul and to direct the Principal Subordinate Court, to number the RCMA.s.

2. The revision petitioner, who is a tenant, has filed a suit in O.S.No.36 of 2016, on the file of the Additional District Munsif Court, Dindigul, for permanent injunction. Subsequently, the respondent / landlord has filed a petition in RCOP.No. 8 of 2016, on the file of the Principal District Munsif Court, Dindigul to vacate and hand over the vacant possession and the same was decreed ex-parte on 21.11.2016. Thereafter, the petitioner has filed an Interlocutory Application in I.A.No.34 of 2017 to set aside the ex parte decree along with an application in I.A.No.35 of 2017 to condone the delay of 19 days in filing a petition to set aside the ex parte decree and the same have been allowed on payment of cost of Rs.1,000/- to the respondent herein. But, the petitioner failed to comply with the same and hence, those applications were dismissed on 10.10.2017. Immediately, the petitioner filed an application in I.A.Nos.140 to 142 of 2017 seeking extension of time for the payment of cost and to set aside the same and the same were dismissed on 10.10.2017 and the same have been dismissed. Aggrieved over the same, the petitioner has filed three appeals in



RCMA.No.Nil of 2018, before the Sub Court, Dindigul and the same were returned on various dates and finally, on 27.02.2018 the Court below returned the appeals filed by the petitioner with an endorsement "present before appropriate forum".

3. I have heard the learned counsel appearing for the petitioner.

4. Since the learned Principal Subordinate Judge, Dindigul, returned the un-numbered applications in RCMA.Nos... of 2018, the respondent is making objection that the appeals are not maintainable. Considering the case of the petitioners, this Court is inclined to set aside the docket order, dated 27.02.2018, passed in un-numbered RCMA.Nos.... of 2018 in I.A.Nos.140 to 142 of 2017 in I.A.Nos. 34 and 35 of 2017 in RCOP.No.8 of 2016, on the file of the Principal Subordinate Court, Dindigul and accordingly, this Court is inclined to allow these Civil Revision Petitions.

5. In the result,

(a) These Civil Revision Petitions are allowed.

(b) The learned Principal Subordinate Judge, Dindigul is directed to number the appeals in un-numbered RCMAs within a week from the date of receipt of a copy of this order and thereafter, dispose of the same within a period of four weeks.

(c) The respondent is given liberty to raise all his contentions about the maintainability of the RCMAs at the time of hearing RCMAs.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge, Dindigul.

+1cc to Mr.M.P. Senthil, Advocate Sr.No.62847

+3cc to Mr.C. Jeyaprakash ,Advocate Sr.No.62592,62593,62594

trp

VB/RSK/SAR2/16/05/2018/2P/6C

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