



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

WEB COPY

C.R.P(MD).No.2789 of 2015 and
M.P(MD).No. 1 of 2015

1.C. Premkumar
2.C.Thillipan Rajan
3.C. Suganthi
... Petitioners
Vs.

1.Lakshmi Vilas Bank Limited,
rep. by its Branch Manager,
Tuticorin Branch.

2.The Recovery Officer,
Debts Recovery Tribunal,
Madurai.

3.Packiaraj
4.K. Hariharan
... Respondents

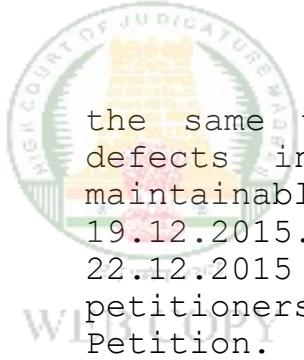
Prayer: This Petition is filed under Article 227 of the Constitution of India to set aside the return order dated 22.12.2015 in un-numbered A.S.No... 2015 on the file of the Subordinate Judge, Thoothukudi against the return order dated 16.12.2015 in un-numbered O.S.No.... 2015 on the file of the Principal District Munsif Court, Thoothukudi.

For Petitioners ... Mr.G.Prabhu Rajadurai

ORDER

This Civil Revision Petition has been filed by the revision petitioners, to set aside the return order, dated 22.12.2015, in un-numbered A.S.No... 2015, on the file of the Sub Court, Thoothukudi, against the return order, dated 16.12.2015 in un-numbered O.S.No.... 2015, on the file of the Principal District Munsif Court, Thoothukudi.

2. The revision petitioners, who are the plaintiffs, have filed a suit in un-numbered O.S.No.... 2015, on the file of the Principal District Munsif Court, Thoothukudi, for declaration declaring the order issued by the 2nd respondent, dated 03.12.2015 as null and void and for consequential injunction and the same was returned on 14.12.2015, for compliance of certain defects including a clarification as to how the suit was maintainable. Subsequently, the revision petitioners have represented the same on 15.12.2015 and the same was returned by the learned Judge on 16.12.2015 with the same query. Aggrieved over the same, the revision petitioners have filed an un-numbered Appeal before the Sub- Court, Thoothukudi and



the same was returned on 18.12.2015, for compliance of certain defects including the clarification as to how the appeal is maintainable and same was represented by the revision petitioners on 19.12.2015. Again, the learned Judge has returned the same on 22.12.2015 with the very same query. In such circumstances, the petitioners have come forward with the present Civil Revision Petition.

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

4. The petitioners have originally filed a suit in O.S.No. Nil of 2015, on the file of the Principal District Munsif Court, Thoothukudi, which was returned even after the compliance. Therefore, the petitioners have filed an un-numbered Appeal before the learned Subordinate Judge, Thoothukudi, which was returned on the ground of maintainability. Admittedly, the suit was un-numbered and there is no decree passed in the suit, the petitioners have filed an un-numbered appeal and the same was returned for maintainability. Against the same, the petitioners have filed the present Civil Revision Petition invoking Article 227 of the Constitution of India.

5. The petitioners have filed an appeal and the same has been rightly returned by the Court below stating that how the appeal suit is maintainable. The learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

6. In the result, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. The petitioners are given liberty to represent the suit, before the trial Court, if they have been so advised. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Thoothukudi
- 2.The Principal District Munsif Court, Thoothukudi.

+1cc to M/S.G.Prabhu Rajadurai, Advocate SR.No. 62662

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