



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2018

CORAM

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THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P(MD).No.1302 of 2018

K. Ragunathan

... Revision Petitioner / defendant

Vs.

1.Valarmathidevi

2.R.Chitra

3.Minor. R. Monisa

(Minor rep. by 1st respondent /
plaintiff)

... Respondents / plaintiffs

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal Subordinate Judge, Dindigul to number the I.A in O.S.No.144 of 2012, which was returned on 14.06.2018 and dispose it on merits within the time bound.

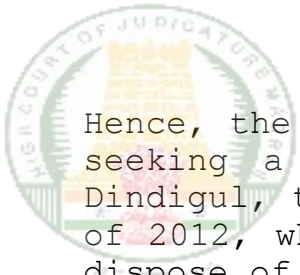
For Petitioner : Mr. K. Kannan

ORDER

The petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India praying for a direction to the learned Principal Subordinate Judge, Dindigul, to number the un-numbered I.A.No.... of 2018 in O.S.No.144 of 2012, which was returned on 14.06.2018, and dispose of the same within a stipulated period of time.

2. Heard the learned counsel appearing for the petitioner. Since the case is for a limited relief of early disposal, no notice need be sent to the respondents.

3. The respondents herein, who are the plaintiffs, have filed a Suit in O.S.No.144 of 2012, on the file of the Additional Subordinate Court, Dindigul and the same was decreed ex parte, in which, the revision petitioner, defendant has filed an un-numbered application in I.A.No.... of 2018 in O.S.No. 144 of 2012 before the learned Principal Subordinate Judge, Dindigul, to set aside the ex parte decree along with the condone delay application for setting aside the ex parte decree. But, the learned Judge has returned the said application stating that "A charge decree is passed and not attachment. How the petition is maintainable? Time one month?".



Hence, the petitioner has filed the present Civil Revision Petition seeking a direction to the learned Principal Subordinate Judge, Dindigul, to number the un-numbered I.A.No.... of 2018 in O.S.No.144 of 2012, which was returned on 14.06.2018, pending on his file, and dispose of the same within a stipulated period of time.

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4. Considering the facts and circumstances of the case, this Court is inclined to dispose of the Civil Revision Petition with the following directions:

(i) the learned learned Principal Subordinate Judge, Dindigul, is directed to number the un-numbered application in I.A.No.... of 2018 in O.S.No.144 of 2012, pending on his file, within a week from the date of receipt of a copy of this order.

(ii) After numbering the application, the learned Principal Subordinate Judge, Dindigul, is directed to pass appropriate orders in the said application, after giving notice to both parties, within a period of three weeks, thereafter.

5. Accordingly, this Civil Revision Petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Dindigul.

Copy to :

The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

(To return the original papers after substituting the xerox Copy of the same)

+1cc to Mr. K. Kannan, Advocate, SR.No.70660.

C.R.P (MD) .No.1302 of 2018
02.07.2018