



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.1489 of 2016

WEB COPY

R.Ravinder Kumar

... Petitioner

/Vs./

1.M/s.Pamban Apparels Ltd.,
Represented by its Managing Director,
No.230, Vaigai Dam Road,
Kanavilakku,
Varatharaj Nagar,
Theni District.

2.R.Ashok

3.M/s.Menaka Mills Ltd.,
Represented by its Managing Director,
No.37, Nelson Manickam Road,
Chennai.

4.M/s.Punjab National Bank,
Represented by its Branch Manager,
No.284/285, West Masi Street,
Madurai.

5.A.Ramamani

6.A.Manusathiyam

7.A.Vishnuprasath

8.M.Sinnukkaalai

9.J.Indhumathi

10.M.Sekar

11.Selvendran

12.A.Varatharaj

13.M/s.ICICI Bank Limited,
Represented by its Branch Manager,
Jeyamurthi Towers, Ground Floor,
No.627, Periyakulam Road,
Theni District.

14.S.Jaishankar

15.M/s.ICICI Bank Ltd.,
Represented by its Manager,
No.1, Cenotaph Road,
Chennai.



16, M/s. Equinox Impex Private Ltd.,
Represented by its Director,
4th Floor, Sadhana House,
No. 570, Panduranaga Budhkar Marg,
Behind Mahindra Towers, Worli,
Mumbai-400018.

... Respondents

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the docket order dated 26.04.2016 passed in unnumbered O.S.No. of 2016 on the file of the learned District Munsif, Andipatti and further direct the learned District Munsif, Aundipatti to number the civil suit.

For Petitioner	: Mr.S.Rajasekar for M/s.T.Lajapathi Roy
For R-4	: Mr.K.Giriprazath
For R-13 & R-15	: Mr.Pala Ramasamy
For R-14	: Mr.S.Prasath
For R-1,2,3,5 to 12&16	: No appearance

ORDER

The revision petitioner herein filed a suit in C.S.No.426 of 2003 against the respondents herein. The suit was decreed on 19.03.2010. Since the properties of the respondents are located in Theni District, the revision petitioner obtained an order for transmitting the EP to Theni District.

2. The case of the revision petitioner is that after receiving notice in the EP, which is still pending from the year 2012, the respondents had alienated their properties. Therefore, challenging the said alienation as vitiated on the ground of fraudulent transfer, the revision petitioner filed a plaint bearing A.No.146 of 2016 before the District Munsif Court, Andipatti. The Court below has declined to number the same. Challenging the said stand of the Court below, this civil revision petition has been filed.

3. I am of the view that since the revision petitioner herein is already a decree holder, the Court below ought to have received the plaint and numbered the same. Therefore, the Court below is directed to receive the plaint and number the same. Of course, it is open to the respondents to raise their objections, after they enter appearance in the main suit. All the defences to the



respondents herein are left open. Accordingly. This civil revision petition is allowed. No costs.

4. The Registry shall return the unnumbered plaint to the learned counsel appearing for the revision petitioner so that the same could be represented before the concerned Court.

/True Copy/

Sd/-
Assistant Registrar(Crl.side)

Sub Assistant Registrar(CS-IV)

To
The District Munsif, Aundipatti.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 93629

Order made in
C.R.P. (MD) (PD) No.1489 of 2016
30.10.2018

SM
ES/SKN/RSK/SAR 4/31.10.2018/3P/5C