



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD) No.1908 of 2019

WEB COPY

M. Devika .. Petitioner/Petitioner / Plaintiff

Vs.

1.S. Manickavasagam

2.M.Raju

... Respondents/Respondents / defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India against the order in DRP.No.33 of 2018 in O.S.No. 128 of 2013, dated 01.10.2018 on the file of the District Munsif Cum Judicial Magistrate, Thirupathur.

For Petitioner : Mr. S. Chandrasekaran

**ORDER**

This Civil Revision Petition has been filed against the order passed in DRP.No.33 of 2018 in O.S.No. 128 of 2013, dated 01.10.2018, on the file of the District Munsif Cum Judicial Magistrate, Thirupathur.

2. The revision petitioner, who is the plaintiff in the suit in O.S.No.128 of 2013, has obtained ex parte decree from the learned District Munsif-Cum-Judicial Magistrate, Thirupathur. Against the said ex parte order, the respondents herein have not preferred any appeal. Therefore, she filed DRP.No. 33 of 2018 to return the original documents viz., Exs.A1 to A11, which was filed before the same Court in the suit. However, the said application was returned by the Sheristadar, District Court, Sivagangagi, stating that Exhibit Seal and officer Signature are not found in Exs.A1 to A11. Hence, she has filed the present Civil Revision Petition before this Court.

3. The learned counsel appearing for the revision petitioner submitted that it is not the duty of the Sheristadar and it is for the Court to decide as to whether the documents should be returned or not.

<https://hcservices.ecourts.gov.in/hcservices> 4. I have heard the learned counsel appearing for the



revision petitioner and perused the materials available on record.

5. Admittedly, the DRP has been filed by the revision petitioner before the same Court for return of Exs.A1 to A11. This Court does not find any impediment on the Registry of the Court below to number the said application. However, it is seen that the Sheristadar has returned the application, though he has no jurisdiction to do so. Therefore, the order dated 01.10.2018 is liable to be set aside and accordingly, set aside. This Court directs the Court below to verify the application and Exs.A1 to A11, which were marked in the suit and return the same after due verification, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. This Civil Revision petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The District Munsif Cum Judicial Magistrate, Thirupathur.

+1 CC to M/s.S.CHANDRASEKARAN, Advocate ( SR-94112[F] dated 24/10/2019 )

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