



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P(MD)No.2303 of 2019

and

C.M.P. (MD)No.12106 of 2019

1.M.D.Parthiban

2.Subha Parthiban

... Revision Petitioners /
Petitioners / 3rd Party

-Vs-

1.The State Bank of India,
Madurai City Branch,
Represented by Chief Manager,

..1st Respondent / 1st Respondent
/ Decree Holder

2.T.Thiagarajan

.. 2nd Respondent / 2nd Respondent
/ Judgment Debtor

3.T.Alamelu

... 3rd Respondent / 3rd Respondent
/ Judgment Debtor

4.M.Peter

... 4th Respondent / 4th Respondent
/ Auction Purchaser

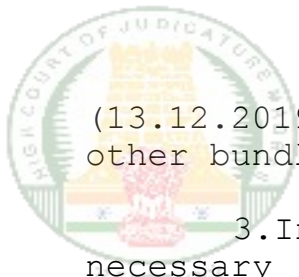
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the return order dated 04.12.2019 made in unnumbered E.A.No. /2019 in E.A.No.163 of 2015 in E.P.No.119 of 1999 on the file of the learned Principal Subordinate Judge of Madurai and direct the learned Principal Subordinate Judge, to take the petition in unnumbered E.A.No. /2019 on file and dispose of it on merits in accordance with law.

For Petitioner : Mr.G.Maruthiah

ORDER

This Civil Revision Petition is filed against the order of returning the application filed for stay under Order 21 Rule 26(1) of C.P.C., without even numbering the petition.

2.Such return of the application even without numbering, is not proper. Therefore, there is a direction to the learned Principal Subordinate Judge, Madurai to number the petition and decide the petition on merits. This Court, by an order dated 12.12.2019, has called for a report from the learned Principal Subordinate Judge, Madurai, by taking note of the fact that despite the final order is passed on 25.09.2019, copy has not been furnished to the other side. In pursuance of the same, the learned Principal Subordinate Judge, Madurai has sent a report before this Court today



(13.12.2019), stating that copy application has been mingled with other bundle and the same was complied on 13.12.2019.

3.In such view of the matter, the trial Court has to take necessary action against the staff, who is responsible for such inconvenience.

4.With the above direction, this Civil Revision Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Subordinate Judge, Madurai.

2.The Section Officer,

V.R. Records,

Madurai Bench of Madras High Court,

Madurai. (2 COPIES)

3.The Section Officer,

E.R. Records,

Madurai Bench of Madras High Court,

Madurai.

+1 CC to M/s.M/S.G.MARUTHIAH, Advocate (SR-105096[F] dated 16/12/2019)

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13.12.2019

GKG(CO)

TR(16.12.2019)2P 6C