



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. (PD) (MD)No.400 of 2020

WEB COPY

1.G.Arumugam
2.N.Ravi
3.S.Murugan
4.M.Sundararajan Chettiar
5.Chandrasekar Chettiar ... Petitioners/Petitioners/Not a party

vs.

1.Madurai Velliambalam
Thirupparankundaram Oddukkam
Vagayara Dharma Trust rep by its
Present Managing Trustee
S.Chandrasekaran Chettiar
67/29, West Chetty Street,
Madurai. ... 1st Respondent/1st Respondent/Plaintiff

2.G.Marimuthu ... 2nd Respondent/2nd Respondent/Not a party

PRAYER: This Civil Revision Petition is filed under Section 227 of the Constitution of India, to allow the revision by setting aside the docket order dated 25.02.2020 made in I.A.SR.No.4533 of 2020 in O.S.No.59 of 1917 on the file of the Principal Subordinate Judge, Madurai and direct the office of the Principal Subordinate Court to number the I.A.SR.No.4533 of 2020 in O.S.No.59 of 1917.

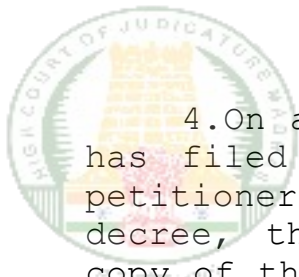
For Petitioners : Mr.M.S.Suresh Kumar

ORDER

This civil revision petition has been filed to challenge the docket order dated 25.02.2020 made in I.A.SRNo.4533 of 2020 in O.S.No.59 of 1917.

2.The suit in O.S.No.59 of 1917 is pending before the Principal Subordinate Court, Madurai, wherein, the petitioners are not a party to the proceedings and filed I.A. The Office of the Subordinate Court, returned the said I.A stating that to produce the original version of the Scheme Decree. Aggrieved over the said return, the petitioners are before this Court.

3.A careful perusal of the endorsement made by the Office of the Subordinate Court would show that the petitioner was directed to file a copy of the original version of the Scheme Decree.



4.On a perusal of the records, it is seen that the petitioner has filed only the Xerox copy of the Scheme Decree. Since the petitioners have not filed the certified copy of the scheme decree, the petitioners should have obtained either a certified copy of the scheme decree from the Court or otherwise, should have filed an application for dispensing with the production of the certified copy of the scheme decree. Without even representing the papers before the Subordinate Judge, the petitioners has rushed to this Court and as such, this Court finds no perversity in the order of the Court below.

5.In view of the above observations, this Civil Revision Petition stands dismissed. No costs. However, the petitioner has filed a certified copy of the Scheme Decree or in case of any urgency, if he could not get the certified copy, to convince the Court to file an application to dispense with the certified copy. On filing of such application, the trial Court may consider the said application on merits in accordance with law.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Subordinate Judge, Madurai.
2. The Record Keeper,
ER Section (Civil),
Madurai Bench of Madras High Court, Madurai.

(to return the originalpetition and affidavit
returned by the trial Court to the learned
counsel for the petitioner, after getting
appropriate acknowledgment).

+1 CC to Mr.M.S.SURESH KUMAR, Advocate (SR-9459[F] dated
02/03/2020)

C.R.P. (PD) (MD) No.400 of 2020

02.03.2020

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AE (16.03.2020) 2P 4C
<https://heservices.ecourts.gov.in/heservices/>