



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)No.654 of 2020

S.Muthukumar

: Petitioner/Petitioner/
Appellant

.. Vs ..

Paari

: Respondent/Respondent/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Additional District Judge, Paramakudi to number the unnumbered I.A.No. of 2020 in unnumbered A.S.No. of 2020 on the file of the Additional District Court, Paramakudi.

For Petitioner

:Mr.PT.S.Narendravasan

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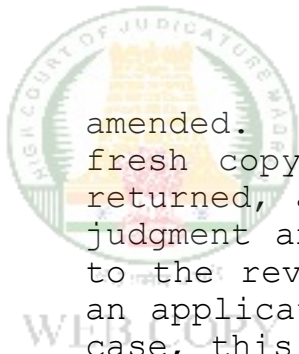
ORDER

This Civil Revision Petition is filed to direct the learned Additional District Judge, Paramakudi to number the unnumbered I.A.No. of 2020 in unnumbered A.S.No. of 2020 on the file of the Additional District Court, Paramakudi.

2.Heard the learned Counsel appearing for the petitioner.

3.The revision petitioner preferred an appeal suit as against the judgment and decree in O.S.No.142 of 2001 on the file of the Subordinate Court, Paramakudi. The appeal papers were returned for few reasons and it is submitted by the learned Counsel for the petitioner that the papers were re-presented after complying with the defects. However, the trial Court further pointed out that the copy of the judgement of the trial Court produced by the revision petitioner does not contain the appendix portion. Since this is a mistake of lower Court while furnishing the copy of judgment without appendix portion, the papers were re-presented by submitting that the judgment, as served on the appellant/revision petitioner, was filed and that no correction can be made in the judgment by the revision petitioner. Despite the explanation, the lower Court has returned the papers pointing out that the mistake, that was pointed out earlier, should be rectified. Once again, the papers were re-presented and the lower Court has again returned the papers by stating that the previous correction, regarding annexure has to be done. As against the return order, the above revision petition is filed.

4.The learned Counsel for the petitioner pointed out that the annexure is not prepared by him and that therefore, it cannot not be



amended. Though it is admitted that the petitioner can apply for a fresh copy of judgment with the annexure, the papers need not be returned, as the petitioner cannot be blamed for filing the copy of judgment and decree with the defective annexure. Though it is open to the revision petitioner to get the judgment corrected by making an application, having regard to the facts and circumstances of the case, this Court is of the view that the petitioner can be permitted to present the appeal memorandum with the certified copy of the judgment, as it was furnished to the revision petitioner.

5.Hence, the above Civil Revision Petition is allowed and the learned Additional District Judge, Paramakudi, is directed to accept the appeal papers and number the interlocutory application filed by the revision petitioner to condone the delay and proceed further without any further delay or inconvenience to the revision petitioner. The petitioner is further directed to apply for fresh copy of judgment with annexure and produce before the lower Court as and when it is furnished to the petitioner. No costs.

6.The Registry is directed to return the papers, namely, appeal memorandum along with the connected papers to the revision petitioner, so that the petitioner will be in a position to represent the same before the Court below without further delay (after taking photocopy of the same).

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Additional District Judge, Paramakudi.

2.The Section Officer,

E.R.Section,

Madurai Bench of Madras High Court, Madurai.

(To Return the Documents)

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-17605[F] dated 21/09/2020)

C.R.P. (PD) (MD) No.654 of 2020

21.09.2020

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