

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(NPD) No. 1787 of 2021  
and  
C.M.P. No.13878 of 2021**

Rasika

...Petitioner

Vs.

1. Chinnasamy
2. Kannakaraj
3. Revathi
4. Munuswamy

...Respondents

**Prayer** :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to forebear the learned District Munsif Judge, Edapadi, Salem, from proceeding or taking any steps further in E.P.No.27 of 2019 without hearing and considering the objection filed by the petitioner filed under Section 47 of Civil Procedure Code in E.A.No.(Un-numbered) of 2021 on the file of the learned District Munsif, Edapadi, Salem.

For Petitioner : Ms.Priya Anand

**ORDER**

This Civil Revision Petition is filed to forebear the learned District Munsif Judge, Edapadi, Salem from proceeding or taking any further steps in

E.P.No.27 of 2019 without hearing and considering the objection filed by the petitioner under Section 47 of Civil Procedure Code in E.A.No.(Un-numbered) of 2021.

2. The grievance of the learned counsel for the petitioner is that the petition filed under Section 47 of CPC has not been numbered so far and the return endorsement dated 11.12.2020 reads as follows:

*“Original document to be filed along with the claim petition and the claimant claim share on the basis of sale deed dated 24.09.1998 one proposal of sale deed it stands the name of the 2<sup>nd</sup> respondent. As per the Judgement passed by the then court is as 179 of 2005 and which was continued in both appellant courts. Hence, how the claimant claim her share and since the property is a both acquired property and the claimant father also not had right in the petition mentioned property. Hence, how this petition is maintainable”*

3. When this Court asked the learned counsel for the petitioner to inform about the compliance in pursuance of the return made on 11.12.2020, the learned counsel for the petitioner is not in a position to state as to whether

there was a compliance in pursuance of the return or not. Irrespective of the compliance on the return endorsement dated 11.12.2020, the learned District Munsif Judge, Edapadi, Salem is directed to dispose of the petition filed under section 47 of Civil Procedure Code, after hearing the learned counsel for the petitioner, either by numbering the petition, if it has substance and maintainable in law or by rejecting the petition, if it has no substance and not maintainable in law. This exercise should be completed within a period of four weeks from the date of receipt of copy of the order.

4. Accordingly, this Civil Revision Petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

ep/Jer

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

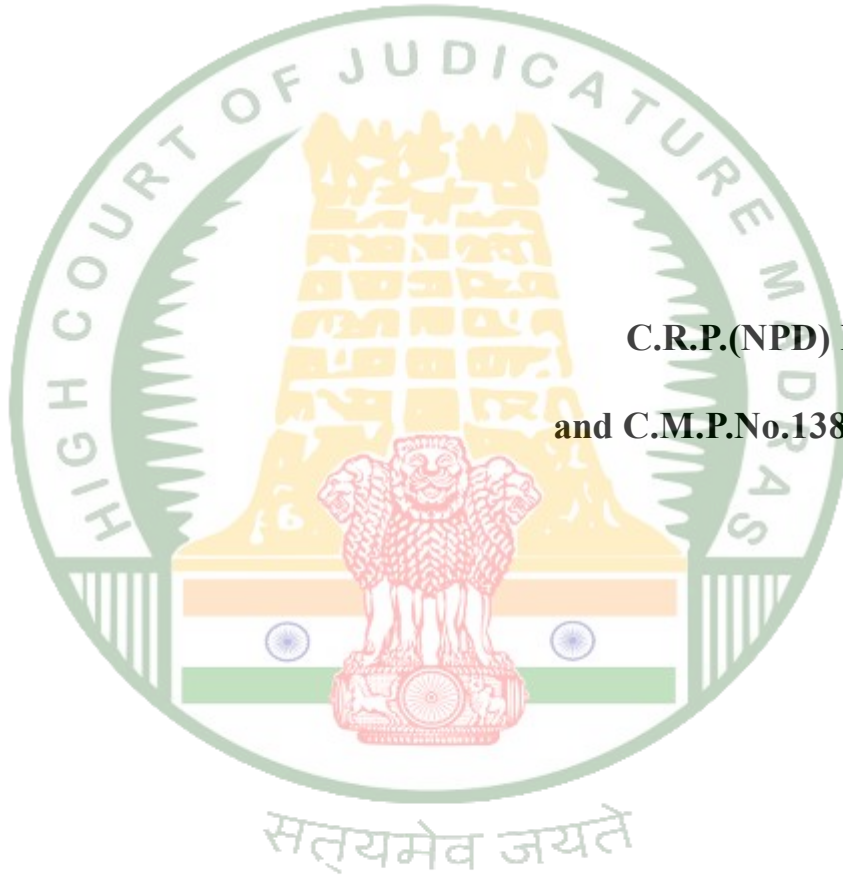
1.The District Munsif Judge, Edapadi.  
Salem.

2.The Section Officer  
VR Section, High Court of Madras.

02.09.2021

**G.CHANDRASEKHARAN.J,**

ep



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