



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.1117 of 2020

1) Kamatchi

2) Priyadarshini

... Petitioners/Plaintiffs

vs.

1) Santhanakumar

... Respondent/Defendant

2) The Registrar (Judicial)

Madurai Bench of Madras High Court,

Madurai

... 2nd Respondent/3rd party

Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 14.07.2020 in O.S.No.119 of 2020 on the file of Subordinate Judge, Tiruchendur.

For Petitioners : Mr.G.Prabhu Rajadurai

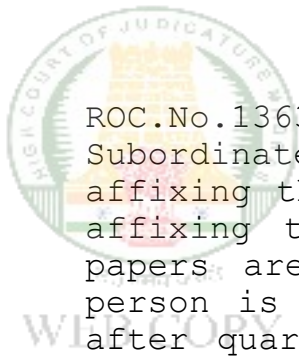
ORDER

Aggrieved by the order of the learned Sub Judge, Tiruchendur, noting the date of filing of the suit as 14.07.2020, this revision petition has been filed.

2.The petitioner is the wife and the respondent is the husband. According to the petitioner, she had filed the plaint in O.S.No.119 of 2020 for recovery of maintenance and charge over the property on 10.07.2020. Due to lockdown, she dropped the plaint in a box kept in the Court below on 10.07.2020 itself. However, in the case status in E-Court Service, it has been shown that the plaint in O.S.No.119 of 2020 was filed on 14.07.2020 when the Court below opened the box. It is the grievance of the petitioner that she suffered serious prejudice as the defendant created the document as if he sold the property on 10.07.2020 knowing the petitioner has filed the above suit.

3.In view of the said submission, this Court by order dated 17.02.2021, called for a report from the learned Judge as to the practice followed by them in the matter of the date of filing of the case, whether it is the date of dropping inside the drop box or the date on which the drop box is opened.

4.The learned Sub Judge, Tiruchendur, has submitted a report in D.No.457/2021 dated 02.03.2021, to this Court stating that as per the direction of the Principal District Judge, Thoothukudi, dated 20.06.2020, drop box has been placed with effect from 22.06.2020 and the case filed on drop box has affixed the date seal on the date which the box has been opened and usually the boxes opened after 2 days from the date of filing drop boxes till 15.10.2020. Thereafter, the High Court, Madras, through proceedings in



ROC.No.1363/20RG/Subcourts dated 15.10.2020, has instructed the Subordinate Courts regarding the procedure to be followed in affixing the date seal on the cases filed in drop boxes as ''While affixing the date of filing, the actual date on which the case papers are dropped in the drop boxes by the Advocates/Party in person is affixed and not the date on which the boxes are opened after quarantine period.'' The learned Judge would further state that the said instructions were followed from 16.10.2020 and the present case in O.S.No.119/20 filed in drop box on 10.07.2020 (Friday) and the boxes opened on 14.07.2020(Tuesday) and now the said case is pending before the Sub Court, Tiruchendur for service of summons and posted on 17.03.2021.

5.In view of the proceedings of this Court in ROC.No.1363/20RG/Subcourts dated 15.10.2020, and the report of the learned Judge that the case in O.S.No.119/2020 filed in drop box on 10.07.2020, the order of the learned Judge noting the date of filing of the suit as 14.07.2020, shall be 10.07.2020 instead of 14.07.2020.

6.With the above direction, the Civil Revision Petition is disposed of.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Principal District Judge,
Thoothukudi.

2.The Subordinate Judge,
Tiruchendur.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-9992[F] dated 10/03/2021)

CRP(MD)No.1117 of 2020
DATED : 09.03.2021

NA(CO)

KB(12.03.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>