



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

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THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (PD) (MD) No.1742 of 2021

and

C.M.P(MD) No.9283 of 2021

R.Sivasubramani

... Revision Petitioner /
Petitioner/ Plaintiff

Vs.

1.R.Hariharan

... 1st Respondent/1st Respondent/
1st Defendant

2.H.Jeyasri

... 2nd Respondent/2nd Respondent/
2nd Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 29.09.2021 made in unnumbered I.A.No. of 2021 in O.S.No.76 of 2017 on the file of the Principal District Court, Dindigul and further direct the learned Principal District Court to number the application and dispose the same in accordance with law.

For Petitioner

: Mr.S.Siva Thilakar

ORDER

The petitioner's application, seeking a direction to credit a sum of Rs.24,14,230/- into his Bank account at State Bank of India, Palani Branch and recording full satisfaction, was being returned continuously by the learned Principal District Judge, Dindigul. The said application bearing I.A.SR No.8953 of 2021 was filed on 02.09.2021. The other side had earlier endorsed 'no objection' on 31.08.2021. The undated docket entry would read as follows:-

The petitioner/plaintiff prayed to issue the deposit amount for Rs.24,14,230/- in favour of R.Sivasubramani, plaintiff of this case.

The suit was disposed of after full trial in Hon'ble Principal District Court in favour of plaintiff on 31.01.2019. the 1st defendant filed by the appeal against



the suit on Madurain Bench of Madras High Court in A.S. (MD) No..215 of 2019 and CMP(MD) No.11403 of 2019.

2.However, the same has been struck off. Thereafter, there was one more endorsement on .09.2021, which reads as follows:-

Credit a sum of Rs.24.14.230/- (Rupees Twenty Four Lakhs Fourteen Thousand two hundred and thirty only) to the bank account of R.Sivasubramani Account No.1161448356 of State Bank of India, Palani, IFSC.SBIN000894 through IFHRMS. Full satisfaction is recorded.

3.This order has also been struck off. Ultimately, the petition has been returned on 29.09.2021 with the following endorsement:-

As per the order of the Hon'ble Madurai Bench of Madras High Court in A.S(MD) No.215 of 2019 and CMP(MD) no.11403 of 2019 dated 16.10.2021 directing the trial Court not to disburse the amount deposited in the credit of O.S.No.76 of 2017. Hence, to state how the petition is maintainable?

Returned time 30 days

4.A perusal of the return, which has been struck off would show that the Court was aware of the fact that the appeal suit had been dismissed on 09.02.2021. The order of the stay in C.M.P (MD) No.11403 of 2019 dated 16.10.2020 was granted pending disposal of the appeal suit. With the dismissal of the appeal on 09.02.2021, the first appeal has come to an end and there is no impediment for numbering of the said interlocutory application.

5.In these circumstances, the learned Principal District Judge, Dindigul, is directed to number the I.A.SR No.8953 of 2021 within a period of two weeks from the date of production of the returned papers, affidavit and petition and the copy of the order in this revision.

6.The Registry shall hand over the papers to the petitioner for representation before the Principal District Judge, Dindigul, after receiving necessary acknowledgement.

Sd/-

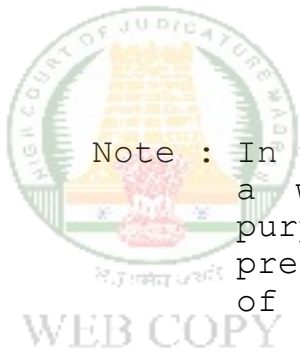
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:-

The Principal District Court,
Dindigul

+1 CC to M/s.S. SIVATHILAKAR, Advocate (SR-35826[F] dated 25/11/2021)

C.R.P (PD) (MD) No.1742 of 2021
24.11.2021

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