



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (PD) (MD)No.1823 of 2021

and

C.M.P (MD) No.9778 of 2021

WEB COPY

1.J.M.Navasing Kasi
2.Joshwa Selvaraj Kumar
3.Ezil Rani

... Petitioners/Petitioners/
Defendants 2 to 4

Vs.

1.Selvaraj
2.C.Thilagam
3.Sahimathi
4.Sundalaimuthu Pannaiyar
5.Saravanan
6.Mahesh

... Respondents/Respondents/
Plaintiffs 1 - 3/
Defendants 5 to 7

(No relief is claimed against the respondents 4 to 6.
Hence notice to respondents 4 to 6 be dispensed with)

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Principal District Judge, Thoothukudi to take on file and number the application in unnumbered I.A of 2019 in O.S.No.35 of 2014 on the file of the learned Principal District Judge, Tuticorin, by allowing this civil revision petition.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent	: Mr.Mohamed Haneef for R1

ORDER

The above civil revision petition is filed seeking for a direction to the learned Principal District Judge, Tuticorin, to number the I.A.SR.No.8684 of 2019 dated 04.09.2019.

2.It is the case of the petitioners that the above application filed by the defendants 2 to 4 to set aside the *ex parte* decree, was being returned by the learned Principal District Judge, Tuticorin, stating as to how the petition was maintainable as the suit had been disposed of after full trial. The papers have been represented by the petitioners stating that the matter may be called in the open Court.

3.The learned Judge once again returned the papers on 27.04.2021 with the same query. It is seen that the petitioners instead of complying with the return has been only asking the Court to post the matter in the open court.



4. In these circumstances, this Civil Revision Petition is disposed of with a direction to the petitioners to represent the papers giving a detailed clarification as to how this petition was maintainable, despite the fact that the suit has been disposed of after full trial. One of the reasons which has been stated before this Court, is that the decree has been passed against the dead persons, since the first defendant had passed away on 19.04.2017 much before passing the judgment in O.S.No.35 of 2014 and his legal representatives have not been brought on record. Therefore, the petitioners would state that the decree is nullity. These factors have not been stated while representing the papers. If the learned Judge is not convinced with the reasons given in the representation papers, he shall call the matter in the open Court, hear the parties and thereafter, pass orders in the unnumbered I.A., either to number it or to reject the same. This procedure shall be concluded within a period of two weeks from the date production of copy of this order. The petitioners shall take a return and represent the papers before the learned Principal District Judge, Tuticorin, within one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

5. Registry is directed to return the original papers to the petitioners, after getting necessary acknowledgements.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

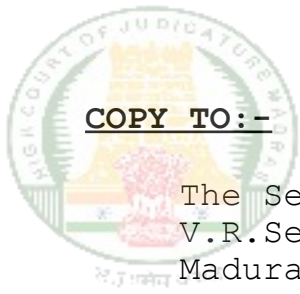
Sub Assistant Registrar(CS)

cp

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.

To:-

The Principal District Judge,
Tuticorin.



COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)
(To return the original records)

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-35816[F] dated 25/11/2021)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-35914[F] dated 25/11/2021)

C.R.P (PD) (MD)No.1823 of 2021
24.11.2021

PK (CO)

GC(21.12.2021) 3P 6C