



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.P (MD) No.10730 of 2021

in

C.R.P (MD) No.SR60811 of 2021

and

C.M.P (MD) No.SR60816 of 2021

Geetha Anand

... Petitioner/Petitioner

Vs.

M.Ravindran

... Respondent/Respondent

PRAYER (C.M.P) . (MD) No. 10730 of 2021): Civil Miscellaneous petition filed under Section 151 of the Code of Civil Procedure, to dispense with the production of original copy of unnumbered I.A.No. of 2017 in R.C.A.No.66 of 2014 in A26620 dated 23.09.2017 on the file of the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai.

PRAYER (C.R.P) (MD) No. SR 60811 of 2021): This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai to number the Interlocutory Application filed by the petitioner in unnumbered I.A.No. of 2017 in R.C.A.No.66 of 2014 filed on 23.09.2017 in A 26620 and dispose of the same within a period stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi

ORDER

The above petition is filed for dispensing with the production of original copy of unnumbered I.A.No. of 2017 in R.C.A.No.66 of 2014 in A26620 dated 23.09.2017 on the file of the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai.

2.The reason for dispensing with was on the ground that the application itself has been misplaced before the trial Court. In the affidavit filed in support of the said petition, the petitioner has stated that an unnumbered restoration application had been filed by the revision petitioner in A26620 dated 23.09.2017 to restore RCA No.66 of 2014, which was not yet numbered by the Principal Subordinate Judge, Madurai. The petitioner further submitted that the said application was neither being numbered nor was it returned. Therefore, he has sought for dispensing with the production of the original unnumbered I.A.SR.No.26620 of 2021.



3.The above revision petition itself is filed seeking a direction to the learned Principal Subordinate Judge (Rent Control Appellate Authority), Madurai, to number I.A.SR No.26620 of 2017 filed by the petitioner to restore R.C.A.No.66 of 2014, which was dismissed for default on 13.09.2017. This application was filed on 23.09.2017 and to date, it has not been numbered.

4.When the matter was listed today, considering the statement made in the affidavit filed in support of the petition to dispense with the production of I.A.SR No.26620 of 2017, this Court had called for the report from the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai, regarding above.

5.The communication in D.No.2987 dated 15.12.2021 has been received from the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai. It now appears that the petition which has been filed on 23.09.2017 has been misplaced.

6.Considering the above, while dispensing with the production of the certified copy of I.A.SR No.26620 of 2017, this court is also passing the orders in the main civil revision petition itself as follows:-

The petitioner is directed to file a fresh copy of the said Interlocutory Application before the Principal Subordinate Judge (Rent Control Appellate Authority), Madurai and on receipt of the said petition, the learned Judge shall number the said application and it treat as having been filed on 23.09.2017.

7.In result, this Civil Miscellaneous Petition is allowed and the Civil Revision Petition, which is in SR stage, is disposed of. Consequently, connected civil miscellaneous petition, which is in SR stage, is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)



To

The Principal Subordinate Judge
(Rent Control Appellate Authority),
Madurai.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-39095[F]
dated 16/12/2021)

C.M.P (MD) No.10730 of 2021

in

C.R.P (MD) No.SR60811 of 2021

15.12.2021

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