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C.R.P.(NPD).No.965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).No.965 of 2022

and

C.M.P.No.4966 of 2022

N.Sankaralingam

...Petitioner/Appellant

-V-

1.V.Raguraman

2.Kalianna Kounder

3.Vangalayee

4.Palanisamy

5.Suresh Babu

...Respondents/Respondents

Prayer: Petition filed under Article 227 of Constitution of India, to set aside the order dated 15.02.2022 made in the unnumbered CMA No. of 2022 on the file of the Principal District Court, Salem and direct the Court below to number the CMA thus render justice.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.V.Raguraman [party in person for R1]



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ORDER

The above Civil Revision Petition is filed challenging the return made by the Principal District Judge, Salem on 15.02.2022, made in unnumbered CMA No. of 2022 which reads as follows:

2. The learned Judge has failed to appreciate that by the order in CRP.Sr.No109367 of 2021, the petitioner before this Court has been directed to file an appeal in the order. This Court has held that against an order passed under Order 21 Rule 97 of the Code of Civil Procedure, it is only an appeal that would lie and therefore, it was not a case where revision could be entertained. Thereafter, the petitioner herein appears to have been filed an unnumbered CMA. The learned Judge has returned it first on 27.01.2022 with the following endorsement:

*"List of documents no.5 and 6 to be produced
alongwith this petition. Hence returned.
Time one month"*

The same was represented complying with the returns.



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3. Once again the matter is returned stating how it is maintainable.

The petitioner has filed this revision challenging this return.

4. Heard the learned counsel.

5. The petitioner is directed to represent the papers stating how the petition is maintainable and on such representation the learned Judge shall proceed either to number it or if the learned judge needs a clarification regarding the same, he shall call the matter in the open Court and pass speaking orders. The said exercise shall be completed within a period of 10 days from the date of receipt of a copy of this order. The Registry is directed to return the papers. With the above directions the Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

25.03.2022

Index : Yes/No
Internet: Yes/No
shr

To
1.The Principal District Court,
Salem.

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P.T. ASHA, J.
shr

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