



CRP.No.3276 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3276 of 2022
and
CMP.No.17386 of 2022

Aathimoolan

... Petitioner

Vs.

1.S.Ravikumar
2.Muniyammal
3.R.Nanthagopal
4.P.Elumalai
5.P.Purushothaman
6.P.Sekar
7.P.Dhanush
8.N.Deenathayalan
9.Devan
10.Elumalai
11.Amirthammal

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Munsif Court, Vandavasi, to number the unnumbered E.A in E.A.(SR).No.837 of 2022 in E.A.No.15 of 2012 in E.P. No.12 of 1996 in O.S.No.102 of 1984 filed by the petitioner herein under Section 47 CPC r/w Order 21 Rule 90 CPC and decide the same on merits.



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For Petitioner : Mr.K.Selvakumar

ORDER

This Civil Revision Petition is filed seeking a direction to the Principal District Munsif Court, Vandavasi, to number the unnumbered E.A in E.A.(SR).No.837 of 2022 in E.A.No.15 of 2012 in E.P.No.12 of 1996 in O.S.No.102 of 1984.

2. The petitioner herein filed an execution application seeking to set aside the preliminary decree, final decree as null and void and also to set aside the sale proceedings.

3. The petition was presented on 13.07.2022 and the same was returned by the Court below on the very same day with an objection calling upon the petitioner to state under what provision of law the petition is maintainable. The revision petitioner re-presented the papers on 16.09.2022



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giving his explanation for the defects pointed out by the Court below. Not satisfied with the explanation offered by the revision petitioner, the papers were returned again and again on 16.09.2022 and 22.09.2022.

4. Aggrieved by the same, the revision petitioner has come up by way of this revision seeking a direction to number the petition.

5. When a litigant approaches the Court with an application seeking a relief, the Court is expected to number the same if it is otherwise in order and proceed with the matter in accordance with law. If the Court is not satisfied with the maintainability of the application, it has to return the papers pointing out all the defects comprehensively in a single return. If the Court is not satisfied with the explanation offered by the litigant, then, the matter should be called in open Court and the parties concerned shall be given an opportunity to explain their case. Without affording an opportunity of oral hearing, the Court is not expected to return the papers again and again and keep the matter pending in SR stage for a long period.



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6. The revision petitioner is directed to re-present the returned papers offering his explanation and the Court below is directed to consider the same and if not satisfied with the explanation offered by the revision petitioner, the Court must call the matter in open Court and offer the petitioner with an opportunity to explain the case and pass a considered order.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

dna

Note: Issue order copy on 13.10.2022

Note: The Registry is directed to return the original application in E.A.SR.No.837 of 2022 in E.A.No.15 of 2012 in E.P.No.12 of 1996 to the learned counsel for the petitioner



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WEB COPY

To

The Principal District Munsif Court, Vandavasi.



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S.SOUNTHAR, J.

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