



WEB COPY



CRP.No.3821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3821 of 2022
and
CMP.Nos.20096 & 20097 of 2022

Kanchana

... Petitioner

Vs.

1.Madayan
2.Rajathi
3.Amuthavalli
4.Murugan
5.Mariappan
6.Ramesh

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and order dated 26.03.2014 passed in O.S.No.1216 of 2010 on the file of the learned I Additional District Munsif Court, Salem and allow this Civil Revision Petition.

For Petitioner : Mr.P.Saravanan



WEB COPY



CRP.No.3821 of 2022

ORDER

This Civil Revision Petition is filed, challenging the dismissal of the suit filed under Section 6 of the Specific Relief Act, seeking possession of the suit property on wrongful dis-possession.

2. In view of Section 6 (3) of the Specific Relief Act, against the decree passed in the suit filed under Section 6 of the Act, no appeal shall lie.

3. In such cases, the petitioner is entitled to invoke the revisional jurisdiction of the High Court under Section 115 of the Code of Civil Procedure. When the revision petition is maintainable under Section 115 of the Code of Civil Procedure, no revision will lie under Article 227 of the Constitution of India. The impugned order and decree were passed on 26.03.2014. Therefore, in case, the petitioner files a revision petition under Section 115 of the Code of Civil Procedure, he



CRP.No.3821 of 2022

should also file a petition to condone the delay in filing the revision.

WEB COPY

4. The Registry ought not to have entertained this revision under Article 227 of the Constitution of India, without insisting the petition to condone the delay in filing the revision. Therefore, the Registry is directed to cancel the number assigned to the revision petition and return the revision papers by directing the petitioner to file a condone delay petition. In case petitioner re-presents the same by mentioning correct provision of law along with condone delay petition, the Registry can entertain the same and assign fresh number, if the papers are otherwise in order.

5. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

23.11.2022

Index : Yes / No
Internet : Yes / No



dna

WEB COPY



CRP.No.3821 of 2022



WEB COPY



CRP.No.3821 of 2022

S.SOUNTCHAR , J.

dna

To

The I Additional District Munsif Court, Salem.

CRP.No.3821 of 2022
and
CMP.Nos.20096 & 20097 of 2022

23.11.2022