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C.R.P.No.3536 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3536 of 2022

R.Sakthivel

... Petitioner

VS

1.Ranganathan

2.Hari Raman

3.Jayaraman

4.Govindaraj

5.Ambujam

6.K.R.P.Thammanan

7.Saraswathy

8.R.Krishnaraj

9.Chandrakleha

10.S.Venkatappan

11.Chinna Kannu @ Parvathi

... Respondents



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.10.2022 passed in Un-numbered O.S.No.--- of 2022 on the file of the learned Principal Subordinate Judge, Salem by allowing the Revision Petition.

For Petitioner : Mr.T.S.Baskaran

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below rejecting the plaint even without numbering.

2. In view of definition of the word 'decree' under Section 2(2) of the Civil Procedure Code, decree includes an order rejecting the plaint. The order impugned in this revision is deemed decree and hence, a regular appeal shall lie under Section 96 of the Civil Procedure Code. Therefore, the present civil revision petition is not maintainable.



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3. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to file regular appeal. However, the time spent by the petitioner in prosecuting the civil revision petition can be excluded as per Section 14 of the Limitation Act, 1963. No costs.

15.11.2022

Index : Yes / No

Speaking Order : Yes / No

dm

Note: Issue order copy on 21.11.2022.

To

The Principal Subordinate Court,
Salem.



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dm

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S.SOUNTHAR, J.

Today, this matter came up for hearing under the caption, 'for being mentioned'.

Add following note to registry.

2. Registry is directed to return the original plaint in unnumbered O.S.No.....of 2022 on the file of the Principal Subordinate Court, Salem, filed in the typed set of papers to the learned counsel for the petitioner along with the order dated 10.10.2022.

Issue fresh order copy on 28.11.2022

24.11.2022

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