



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI
C.R.P (MD)No.214 of 2022

WEB COPY

R.Gnanapalam

... Petitioner/Petitioner/Plaintiff

Vs.

1.R.Nallamarudhan @ Kannan

2.Valli

3.N.Easwari

4.V.Vijayan

5.V.Jaghan

... Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of return in IA.No. (CR.A.No. 8466/2021)/2021 in OS.No.107/2011 dated 08.12.2021 on the file of the Principal Subordinate Court, Palani and to direct the learned Principal Subordinate Judge, Palani to take the petition on file.

For Petitioner

: Mr.M.Ponniah

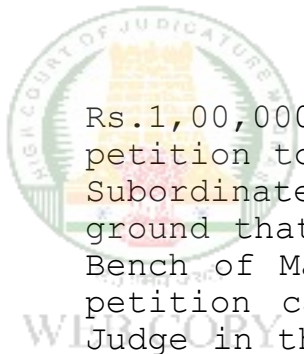
ORDER

This revision petition is filed to set aside the order of return dated 08.12.2021 in IA.No. (CR.A.No.8466/2021)/2021 in OS.No.107/2011 on the file of the Principal Subordinate Court, Palani

2. Since no adverse order against the respondents is supposed to be passed in the present petition, notice to the respondents is dispensed with.

3. Heard the learned counsel for the petitioner.

4. The suit in OS.No.107/2011 was filed by the petitioner / plaintiff for specific performance. The suit was dismissed on 01.10.2019, against which, the petitioner / plaintiff preferred an appeal in AS.No.98/2019, which was allowed on 16.02.2021 and the petitioner / plaintiff was directed to pay the balance sale consideration of Rs.1,00,000/- within a period of one month from the date of Judgment in the Appeal. The petitioner / plaintiff filed a petition before the Principal Subordinate Court, Palani to deposit



Rs.1,00,000/- as per the Judgment of the Appellate Court. The petition to deposit the amount was returned by the learned Principal Subordinate Judge, Palani vide docket order dated 08.12.2021 on the ground that the case records were already sent to appeal in Madurai Bench of Madras High Court. This Court is of the opinion that the petition cannot be returned for the reason stated by the learned Judge in the docket order. Hence, this Court inclined to set aside the docket order.

5. The petitioner / plaintiff is directed to file the decree of the Appellate Court Judgment, along with the petition for depositing the amount, before the Principal Subordinate Court, Palani. The learned Principal Subordinate Judge, Palani is directed to number the petition and receive the amount as per the Judgment passed by the Appellate Court.

6. With the above directions, the Civil Revision Petition is allowed. No costs. The order of return dated 08.12.2021 in IA.No. (CR.A.No.8466/2021)/2021 in OS.No.107/2011 on the file of the Principal Subordinate Court, Palani is set aside.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Principal Subordinate Judge,
Palani

+1 CC to M/s.M.PONNIAH, Advocate (SR-5608[F] dated 11/02/2022)

C.R.P(MD)No.214 of 2022

vr(CO)

GC(25.02.2022) 2P 3C