



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD).No.306 of 2022

Aruljothi ... Petitioner/ Petitioner

Vs.

Nil ... Respondent/ Respondent

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the return endorsement dated 20.01.2022 made in unnumbered G.W.O.P.No. of 2021 on the file of Principal District Judge, Thoothukudi and direct the Principal District Judge, Thoothukudi to number the unnumbered G.W.O.P.No. of 2021 and to decide the same on merits, in accordance with law.

For Petitioner : Mr.R.Pon Karthikeyan

O R D E R

This Civil Revision Petition has been filed to set-aside the return endorsement dated 20.01.2022 made in unnumbered G.W.O.P.No. of 2021 on the file of learned Principal District Judge, Thoothukudi and direct the Learned Principal District Judge, Thoothukudi to number the unnumbered G.W.O.P.No. of 2021.

2.The learned counsel for the revision petitioner submitted that the revision petitioner has filed G.W.O.P.No.....of 2021 to declare the registered release deed dated 15.05.2015 under document No.592/2015 in respect of schedule property is valid for the benefit of minor child namely Lakshmi Kirhika, which was returned by the learned Principal District Judge, Thoothukudi. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.

3.A perusal of return endorsement shows that except the third return, all other returns were complied with. The third return is only regarding the maintainability of the petition. Since release deed already executed by petitioner without permission from the Court, G.W.O.P.No..... of 2021 was filed by the revision petitioner to get permission to declare the registered release deed dated 15.05.2015 as valid. The said issue can be decided only at



the time of trial. Therefore, the trial Court ought not to have returned the petition for the aforementioned third.

4.Considering the above facts and circumstances of the case, the return endorsement, dated 20.01.2022 made in unnumbered G.W.O.P.....of 2021 is hereby set-aside and the learned Principal District Judge, Thoothukudi, is directed to number the said G.W.O.P., if it is otherwise in order and to decide the issue after evidence on merits and in accordance with law.

5. With the above observation, the Civil Revision Petition is allowed. No costs.

6.Registry is directed to return the original papers in O.S.No.Nil of 2020 to the petitioner to be produced before the concerned Court after substituting the same with xerox copy.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Principal District Judge,Thoothukudi.

Copy to

1.The Section Officer,
V.R.Section,

Madurai Bench of Madras High Court, Madurai.(2 copies)

2.The Section Officer,
E.R.Section, (Civil),

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-7566[F] dated 21/02/2022)

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21.02.2022

RK(22/03/2022) 2P 6C

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