



WEB COPY



C.R.P.No.1960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

**C.R.P.No.1960 of 2023
and
C.M.P. No. 12373 of 2023**

1.K. Kasthuri
2.K.Sooriya Prakash
3.S.Shanthi Bai

... Petitioners

Vs.

R.Sujatha Ramesh Pawar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 06.04.2023 passed by the XVIII Asst. Judge, City Civil Court, Chennai-104 returning the I.A.Sr.No.24162 of 2023 in O.S.No.534/2020 with further direction to take it on file providing the registration number for further hearing.

For Petitioners : Mr.S.Makesh

ORDER

This petition is filed, challenging the return endorsement by the Trial Court dated 06.04.2023 in I.A.Sr.No.24162 of 2023 in O.S.No.534/2020.



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2. According to the learned counsel for the petitioners, the respondent / plaintiff has filed a suit for partition and separate possession against the petitioners and others in which the defendant No.1 has filed written statement, stating that the schedule of property is a self acquired property belong to the deceased defendant No.1. It is also submitted that during the life time, defendant No.1 has executed an unregistered Will in favour of the second petitioner herein / third defendant in the suit and the petitioners have filed an application before the Trial Court to stay the proceedings until the proceedings before this Court in respect of probate are finalized. It is submitted that the Will is in a vernacular language and is under translation.

3. Perused the return endorsement of the Trial Court. The Trial Court should have been entertained and passed speaking order, after hearing the petitioners and the respondent and should not have returned.

4. Considering the circumstances, this petition is disposed of directing the petitioners to re-submit the application before the Trial Court within two weeks from the date of receipt of copy of this order. On such filing, the Trial Court is directed to entertain the same and pass appropriate



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orders as per law. No Costs. Consequently, the connected Miscellaneous
Petition is closed.

5. Registry is directed to return the original application on
substitution with the photocopies.

30.06.2023

Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

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To

1. The XVIII Asst. Judge, City Civil Court, Chennai-104.

2. The Section Officer,
V.R.Section, High Court of Madras.



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Dr.D.NAGARJUN, J.

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