



W.P.No.24055 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24055 of 2023

A.P.Kumanan

.. Petitioner

Vs.

1. The Registrar General
High Court of Judicature at Madras
High Court, Chennai 600 104.

2. The Principal District Judge
District Court
Tiruppur.

3. The Subordinate Judge
Sub Court
Tiruppur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the representation dated 16.03.2023 made by the petitioner to the respondents in accordance with law within a time frame as may be fixed by this Hon'ble Court.



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For the Petitioner : Mr.W.M.Abdul Majeed

For the Respondents : Mr.M.Santhanaraman

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.W.M.Abdul Majeed, learned counsel for the petitioner and Mr.M.Santhanaraman, learned counsel for the respondents.

2. The writ petition is filed seeking a direction against the respondents to consider the representation dated 16.03.2023.

3. Learned counsel for the petitioner submits that the petitioner had filed a civil suit bearing O.S.No.307 of 2008 for specific performance of the agreement dated 05.11.2007. The suit was decreed under judgment and order dated 13.06.2012. Learned counsel submits that copy of judgment and decree is not available. The petitioner had given an application. The petitioner applied for the copy of the decree and judgment, but to no avail. A request was made to



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furnish copy of the judgment and decree and the same is also not complied with. The computer record of the Court reveals that the record is not found.

4. On the last date, we had asked learned counsel for the respondents to verify the facts. Learned counsel for the respondents submits that, the Court decreed the suit. The Court passed the following order:

“Counsel for defendant report no instruction.
Deft. called absent, set exparte, PW1 already
examined.

ExA1 to ExA5 already marked. Suit is decreed
with cost as prayed for.

Time for execution two months.”

5. Learned counsel for the respondents submits that there is no separate judgment. The aforesaid order is the only judgment. The learned Judge who had passed the aforesaid judgment did not prepare the decree. Learned counsel submits that now the decree has been



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prepared by the present Judge. Learned counsel further submits that if the petitioner makes an application for certified copy of the judgment and decree, the same would be given to him.

6. In view of the aforesaid, the petitioner may file an application for the certified copy of the judgment and decree. The concerned Court may process the application for the certified copy of the judgment and decree and may issue the same in accordance with law.

7. The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

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