



C.R.P. No. 3069 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3069 of 2023

Murugan

...Petitioner

.Vs.

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Villupuram

..Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Sub-Court, Gingee and number the unnumbered I.A of 2023 in M.C.O.P.No.108 of 2005 and dispose the petition as soon as possible.

For Petitioner

: Mr. V. Perumal



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ORDER

This petition is filed to direct the Sub-Court Gingee to number the unnumbered I.A of 2023 in M.C.O.P.No.108 of 2005 and dispose the petition as soon as possible.

2. The case of the petitioner is that the petitioner has filed an I.A to withdraw the claim amount which was lying in the credit of M.C.O.P.No.108 of 2005 and the said I.A was returned without numbering, for the reason that that the petitioner is not entitled to withdraw the amount as sought for him, which aspect ought to have discussed only at the time of arguments and not at the time admission of the application. Hence he prays this Court to allow this petition.

3. The learned counsel for the petitioner submitted that the Court below should have not questioned the maintainability of the application touching the merits of the case and the same has to be decided only during the arguments. Hence he prays this Court to allow this petition.

4. Since this Civil Revision petition has been filed against the



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return of unnumbered Application, there is no need to issue notice to the respondent.

5. On a perusal of the impugned order it is seen that the Court below had questioned about the merits of the case, which is irrelevant at the time of numbering of the Application.

6. Accordingly, this Civil Revision is allowed and the order dated 14.06.2023 in Unnumbered I.A in M.C.O.P. No.108 of 2005 is hereby set aside. Considering the said fact if the Application filed in Unnumbered I.A in M.C.O.P. No.108 of 2005 has not yet been numbered, the learned Judge, Sub-Court Gingee is directed to number the same within a period of two months from the date of receipt of a copy of this order and proceed if it is otherwise in order. No order as to costs.

29.08.2023

smn

Index : Yes/No

Internet: Yes/No

Note : Registry is directed to return the original applications to the petitioner, if any.



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V.BHAVANI SUBBAROYAN,J.
Smn

To.

1The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuramthe Sub-Court Gingee.

2. The Sub-Court Gingee

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