



WEB COPY



CRP.No. 3303 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 3303 of 2023

Narasimhan

... Petitioner

Versus

Arun Prasanth

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to direct the trial Court to number the IA.Sr.No. 11722/2023 in O.S.No. 149 of 2021 on the file of the Principal District and Sessions Court, Villupuram.

For petitioner : Mr.R. Poornima

ORDER

This Civil Revision Petition has been filed seeking a direction to the trial Court to number the IA.Sr.No. 11722/2023 in O.S.No. 149 of 2021 on the file of the Principal District and Sessions Court, Villupuram.



CRP.No. 3303 of 2023

WEB COPY

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. It is seen that the respondent/plaintiff has filed the suit in O.S.No. 149 of 2021 before the learned District Judge, Villupuram, for specific performance and permanent injunction against the defendant. The defendant contested the suit by filing written statement denying all the averments made in the plaint. Subsequently, the petitioner working in Lakshmi Narasimar Thirukoil, Puvarasamkuppam and as Bramotsavam was conducted in the temple from 29.06.2023 till 08.07.2023, he was unable to appear before the Court below to proceed with the case. The petitioner has already filed recall petition of PW1 and the same was allowed on 21.06.2023 with costs of Rs.350/- and cross examination of PW1 should be taken on 01.07.2023. On account of Bramotsavam in temple, the petitioner was unable to appear before the Court below and information was given to his Counsel. However, the Court below ought not to have returned the affidavit and petition filed by the petitioner on mere technicalities and hence, it is unjust to return the same on the ground of maintainability, is unjust without numbering. The Court below ought to



CRP.No. 3303 of 2023

WEB COPY

have considered the plea of the petitioner and should have given a chance to cross examine the PW1. Therefore, the petitioner has come forward with the present revision seeking a direction to number the IA.

4. Considering the above facts and circumstances of the case as well as the submissions made by the learned counsel for the petitioner, this Court is directed the Trial Court to number the I.A.Sr.No. 11722 of 2023 in O.S.No. 149 of 2021, pending on the file of the Principal District and Sessions Court, Villupuram.

5. Accordingly, the Civil Revision Petition is disposed of. No costs.

11.09.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
msm
To

1. The Principal District and Sessions Court, Villupuram.
2. The Section Officer, High Court, Madras.



WEB COPY



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V.BHAVANI SUBBAROYAN, J.

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CRP.No. 3303 of 2023

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