



CRP(MD).No.75 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No. 75 of 2023

Murugan

2.Senthilukumar

.. Petitioners/Petitioners/Defendants 5&6

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Special Tahsildar,
Survey and Settlements,
Collectorate Buildings,
Sivagangai.

3.The Thasildar,
Thiruppuvanam,
Office At Thiruppuvanam,
Manamadurai Taluk,
Sivagangai District.

4.V.M.Balakrishnan

... Respondents/Respondents 1 to 4/Defendants 1 to 4

5.T.J.Sethuraman

6.T.J.Mothilal

7.T.J.S.Eswarlal

8.T.J.S.Kishorilal

.. Respondents/Respondents 5 to 8/Plaintiffs 1 to 4

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order in unnumbered I.A.No. of 2021 in



CRP(MD).No.75 of 2023

O.S.No.181 of 2012 on the file of the learned Subordinate Court, Manamadurai and consequently, direction to the learned Subordinate Court, Manamadurai to number the unnumbered I.A.No. of 2021 in O.S.No.181 of 2012 on the file of the learned Subordinate Court, Manamadurai, within the time frame fixed by this Court.

For Petitioners : Mr.A.Banumathy

ORDER

The revision petition has been filed by the defendants 5 and 6 in a suit seeking to number an interlocutory application to condone the delay in filing an application to set aside *ex-parte* decree passed in O.S.No.181 of 2012 on 18.07.2016.

2. The typed set of papers indicate that the revision petitioners have suffered an *ex-parte* decree on 18.07.2016 in O.S.No.181 of 2012 on the file of Subordinate Court, Sivaganga. Thereafter, the petitioners have presented an application under Section 5 before the Subordinate Court, Sivaganga, to condone the delay of 1940 days and the said application was presented on 15.02.2021, thereafter, due to jurisdictional issues, the unnumbered application was transferred to Subordinate Court, Manamadurai. Even thereafter, the Subordinate Court, Manamadurai has



CRP(MD).No.75 of 2023

not numbered the same on the ground that the records are available only in Sivaganga and therefore, this application cannot be numbered. The written endorsement clearly points out that the records are available before the Principal District Court, Sivaganga and the records have not been called for or returned to Subordinate Court, Manamadurai for numbering the Interlocutory Application.

3. In view of the aforesaid facts, the learned Principal District Judge, Sivaganga, and the learned Subordinate Judge, Sivaganga, are hereby directed to send the records relating to O.S.No.181 of 2012, which was disposed of by the Subordinate Court, Sivaganga, on 18.07.2016, to the Subordinate Court, Manamadurai, so as to number the condone delay application, within a period of four weeks from the date of receipt of a copy of this order and report back the same to this Court.

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



CRP(MD).No.75 of 2023

5. Registry to return the Original impugned order to the learned
counsel for the petitioners.

03.03.2023

Index : Yes / No

Internet : Yes / No

Rmk

To

1.The Principal District Judge, Sivaganga.

2.The Subordinate Judge, Sivaganga.

3.The Subordinate Judge, Manamadurai.



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CRP(MD).No.75 of 2023

R.VIJAYAKUMAR ,J.,

Rmk

Order made in
CRP(MD).No.75 of 2023

Dated:
03.03.2023