



C.R.P.(PD) (MD)No.361 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD) (MD)No.361 of 2019
and
C.M.P(MD)No.1746 of 2019

1) Elanchiyam
2) Chithravalli

: Petitioners

Vs.

Chandra

: Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India to direct the District Munsif, Thiruvadanai to number I.A.SR.No.1388 of 2018 in O.S.No.56 of 2015 on the file of the District Munsif Court, Thiruvadanai.

For Petitioners : Mr.A.Rajaram

For Respondent : Mr.M.Kannan



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ORDER

The petitioners/defendants has filed the present Civil Revision Petition seeking a direction to the learned District Munsif, Thiruvadanai to number I.A.SR.No.1388 of 2018 in O.S.No.56 of 2015.

2. The learned counsel for the petitioners/would submit that on 18.01.2016, the learned District Munsif, Thiruvadanai passed an *exparte* Judgment and Decree in O.S.No.56 of 2015. Hence, the petitioners/defendants moved an application for condonation of delay of 968 days. The trial Court, without numbering the said application, returned the same with an endorsement as follows:-

“O.S.No.56/2015 was disposed of on 18.01.2016, the same was consignment in II term 2015 D.No.624/16 dated 24.05.2016 to the Principal District Court, Ramnad and E.P. 01/2017 was pending against in O.S.56/2015. Hence, returned. Time 2 weeks.”

3. From the above notings, it is crystal clear that only because of the reason that all the records having been consigned to the Principal District



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Court, Ramnad, the application seems to have been not numbered. Since the very prayer sought for before this Court is numbering of the application filed under Section 5 of the Limitation Act, this Court, without going into the merits of the matter, is inclined to allow this petition.

4. In the result, this Civil Revision Petition is allowed. The learned District Munsif, Thiruvadanai is directed to number the said I.A.SR.No. 1388 of 2018 in O.S.No.56 of 2015, if it is represented within a period of four weeks from the date of receipt of a copy of this order and dispose of the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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Note :Registry is directed to return the original application I.A.SR.No.1388 of 2018, after retaining a copy of the same.



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To

- 1.The District Munsif, Thiruvadanai.
- 2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN, J.

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