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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:04.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)Nos.2237 and 2238 of 2023

K.Palanichamy Gounder

... Petitioner/Petitioner/
Plaintiff in both C.R.Ps

Vs.

1.Kandasamy Gounder
Chinnappa Gounder(Died)
2.P.Rajendran
3.P.Kaliappan
4.P.Kandasamy
5.C.Kaliappan
6.C.Dhandapani
7.Muthammal
8.K.P.Dhandapani

... Respondents/Respondents/
Defendants in both C.R.Ps

Prayer in C.R.P(MD)No.2237 of 2023:Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 11.08.2023 passed in unnumbered I.A.No.1243 of 2023 in O.S.No.15 of 1997 on the file of the learned District Munsif Court, Oddanchatram by allowing this revision petition.

Prayer in C.R.P(MD)No.2238 of 2023:Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 11.08.2023 passed in unnumbered I.A.No.1242 of 2023 in O.S.No.15 of 1997 on the file of the learned District Munsif Court, Oddanchatram by allowing this revision petition.



For Petitioner in both C.R.Ps :Mr.V.Muthumani

COMMON ORDER

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These civil revision petitions are filed against the docket dated 11.08.2023 passed in I.A.Nos.1242 and 1243 of 2023 in O.S.No.15 of 1997 by the learned District Munsif Court, Oddanchatram.

2.According to the revision petitioner/plaintiff, he filed a suit in O.S.No.15 of 1997 for partition and for declaration and recovery of possession. The suit was decreed on 22.03.2007 in his favour. Therefore, he filed execution petitions before the trial Court and the same were returned. Again the same were represented, the trial Court returned the same stating that previous returns not yet complied with. Hence, the present civil revision petitions are filed.

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

4.The learned counsel appearing for the petitioner submitted that the trial Court with non-application of mind, passed the return order without numbering the petitions. The learned counsel further submitted that when the petitioner rectified the defects and represented the same, the trial Court passed the same return order. The petitioner being a decree holder and he is



unable to enjoy the fruits of the decree in his life time. Hence, he prays for speedy disposal.

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5. In view of the above, this Court directs the learned District Munsif, Oddanchatram, to number the petitions, if they are otherwise in order and dispose of the same on merits and in accordance with law. No costs.

6. With the above direction, these Civil Revision Petitions are disposed of. No costs.

04.09.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes/No

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Note: Issue order copy on 05.09.2023

Note: Registry is directed to return the original papers to the learned counsel for the petitioner, after substituting the same.

To

1. The District Munsif,
Oddanchatram.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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