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C.R.P.No.1112 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1112 of 2024

1.G.Narasa Reddiyar
2.Mrs.Geetha

... Petitioners

Vs.

1.MrM.Arumugam
2.M.Shanmugam

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the docket order made in unnumbered I.A.Sr.No.3254 of 2023 in O.S.No.50 of 2017 on the file of the Additional District Munsif Court, Ulundurpet.

For Petitioner

:M/s.N.Naganathan

ORDER

The Civil Revision Petition is filed challenging the order of return passed by the Trial Court dated 03.07.2023.



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2. The 1st respondent herein filed a suit for declaration of title and permanent injunction against the petitioners. It is the case of the petitioners that 4th item of the property was sold by 1st respondent to 2nd respondent pending suit and hence, the petitioners filed an application for impleading the 2nd respondent as a party defendant.

3. The said application was returned by the Trial Court raising the question of maintainability. The petitioners offered their explanation and represented the papers on 19.06.2023. Again, the papers were returned by the Trial Court raising the question of maintainability on 03.07.2023. The petitioners herein already offered their explanation regarding the maintainability of the application for impleading. If the Trial Court is not satisfied with the explanation offered by the petitioners, the matter should have been called in open Court. The Trial Court, after hearing the petitioners, should have passed the suitable orders on merits. Instead of following the said procedure, returning the papers without considering the explanation offered by



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the petitioners is not acceptable. Therefore, the order of return dated 03.07.2023 is set aside and the petitioners are directed to represent the papers before the Trial Court by offering their explanation within a period of two weeks from the date of receipt of a copy of this order. If the trial Court is not satisfied with the explanation offered by the petitioners, the matter shall be called in open court and after affording opportunity to the petitioner, detailed order shall be passed on merits.

4. With these directions, this Civil Revision Petition stands disposed of.

No costs.

26.03.2024

Index : Yes / No

Internet : Yes / No

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Note: Registry is directed to return the original petition filed in I.A.Sr.No.3254 of 2023 to the counsel for the petitioner.

To
The Additional District Munsif Court, Ulundurpet.



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S.SOUNTHAR, J.

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