



WEB COPY



C.R.P.(PD).No.1049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1049 of 2024

1.B.Najma Be

2.M.Firose Kadhum

... Petitioners

VS

K.O.Abdul Salam (Died)

1.K.O.Abdul Rafeek

2.K.O.Abdul Haium

3.The Sub Registrar
Sub Registrar Office
Uthiramerur.

4.The Thasildhar,
Taluk Office,
Uthiramerur.

5.The Revenue Divisional Officer
Revenue Divisional office
Collectorate Compound
Kanchipuram.



C.R.P.(PD).No.1049 of 2024

6.The State Represented by its
District Collector
Collectorate Compound
Kanchipuram.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned District Munsif Cum Judicial Magistrate Court, Uthiramerur to number the unnumbered I.A. of 2022 in O.S.No.80 of 2017 and dispose the same within the stipulated time by appreciating the above stated facts and circumstances.

For Petitioners : Mr.M.Guruprasad

ORDER

The Civil Revision Petition is filed seeking a direction to District Munsif Cum Judicial Magistrate Court, Uthiramerur to number the unnumbered I.A. of 2022 (SR.No.1068 of 2022) filed by the petitioners seeking rejection of the plaint in O.S.No.80 of 2017 pending on its file.

2. In view of the limited prayer made in this revision, this Court is inclined to dispose of the civil revision petition, even without notice to the respondents.



C.R.P.(PD).No.1049 of 2024

3. The petitioners herein are defendants 1 and 2 in the suit. The deceased K.O.Abdul Salam and respondents 1 and 2/plaintiffs filed a suit for mandatory injunction and permanent injunction against the petitioners and others and the same is pending from the year 2017. The petitioners herein filed an application under Order 7 Rule 11 of the Civil Procedure Code for rejection of the plaint on 22.12.2022 and the said application was returned on the ground that the case records were sent to Appellate Court namely Additional Subordinate Court, Kancheepuram in connection with C.M.A.No.2 of 2019, which was filed against the dismissal of interim application filed by deceased K.O.Abdul Salam and respondents 1 and 2/plaintiffs.

4. In view of direction issued by the Hon'ble Apex Court in Asian Resurfacing case, the original records need not be sent to the Appellate Court unless it is specifically called for. This Court also issued a circular in R.O.C.No.27484/2018/F1, dated 18.06.2018 directing the Subordinate Courts not to transmit the original records to the Higher Courts, unless specifically called for. In such circumstances, the Trial Court shall make a request to the Appellate Court and get the original records by substituting the xerox copies.



C.R.P.(PD).No.1049 of 2024

After getting the original records from the Appellate Court, the District Munsif

Cum Judicial Magistrate Court, Uthiramerur is directed to number the I.A.

of 2022 (SR.No.1068 of 2022) and dispose of the same in accordance with law.

5. With the above direction, the Civil Revision Petition is disposed of.

No costs.

21.03.2024
(2/2)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

Note to Registry:-

The Registry is directed to return the copy of the original petition, affidavit and rejection order in Unnumbered I.A. of 2022 in O.S.No.80 of 2017 to the learned counsel for the petitioners.



C.R.P.(PD).No.1049 of 2024

To

WEB COPY

- 1.The District Munsif Cum Judicial Magistrate Court,
Uthiramerur.
- 2.The Sub Registrar
Sub Registrar Office
Uthiramerur.
- 3.The Thasildhar,
Taluk Office,
Uthiramerur.
- 4.The Revenue Divisional Officer
Revenue Divisional office
Collectorate Compound
Kanchipuram.
- 5.The District Collector
Collectorate Compound
Kanchipuram.



WEB COPY



C.R.P.(PD).No.1049 of 2024

S.SOUNTHAR, J.

dm

C.R.P.(PD).No.1049 of 2024

21.03.2024
(2/2)