



CRP.No.1465 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

CRP.No.1465 of 2024
and CMP.No.7873 of 2024

Y.Chinnaiah (Died)

1.Ravanamma

2.Raju

... Revision Petitioners / Petitioners /
Defendants

Vs

Srinivasa Rao @ Sudalagunta Srinivasarao

... Respondent / Respondent /Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the docket order dated 15.02.2024 for return of petition in I.A.(SR) No.11097 of 2024 in O.S.No.2455 of 2018 by the learned XXII Assistant Judge, City Civil Court at Chennai and thereby allow the above civil revision petition and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.R.Abdul Mubeen



CRP.No.1465 of 2024

WEB COPY

ORDER

This revision is preferred against the docket order dated 15.02.2024 made by the learned XXII Assistant City Civil Judge at Chennai, in returning the I.A.SR.No.11097 of 2024 in O.S. No.2455 of 2018.

2.1 The case of the plaintiff is that he had filed a suit in O.S.No.2455 of 2018 for declaration of his title and for delivery of possession of the suit property. Between the parties, a compromise was arrived, and pursuant to which, a joint compromise memo was filed on 18.11.2022. Thereafter, based on the compromise memo, the suit came to be decreed on 23.11.2022. As per the compromise memo entered into, defendants 2 and 3 agreed to pay a sum of Rs.14,00,000/- to the plaintiff on or before 31.03.2023. But there was a default on the part of the defendants. Hence, they filed an application under Section 148 of CPC. In that application, the learned Trial Judge came to a conclusion that the Court had become *functus officio* and dismissed the application at SR stage itself.

2.2 Aggrieved by the dismissal order, the defendants preferred



CRP.No.1465 of 2024

CRP.No.3017 of 2013, and this Court vide its order dated 04.10.2023, allowed the revision petition, directing the Trial Court to take the application on its file and also to grant time to the defendants to deposit the said sum. Pursuant to the order of this Court, the defendants filed a petition in I.A.No.2 of 2023, seeking extension of time to make payment to the plaintiff. That application was allowed by the learned Trial Judge vide order dated 05.01.2024, and time was extended till 05.02.2024 to the defendants to make the payments.

2.3 Despite the fact that the revision petitioners/defendants attempted to pay the said sum to the plaintiff, and had also sent a lawyer's notice in this regard, the plaintiff did not evince interest to receive the amount. Hence, the defendants have taken out an application seeking leave of the Court to deposit the decree amount in the Court to the credit of the suit. That application was unnumbered and returned at SR stage itself. Hence, the present revision.

3. It has been held in ***Selvaraj Vs Koodankulam Nuclear Power Plant India*** [2021 (5) MLJ 467 : 2021 (4) CTC 539 :2021 (3) LW 677], that the



CRP.No.1465 of 2024

parties must not be vexed by repeated returns of their application/petition presented in the Court. The Courts are expected to receive the application, number the same, issue notice to the respondent/respondents and thereafter, pass a judicial order.

4. Respectfully following the view taken by the Single Judge of this Court, Hon'ble Mr.Justice N.Seshasayee, this Court allows the revision, sets aside the docket order dated 15.02.2024 made by the learned XXII Assistant Judge, City Civil Court, Chennai. The learned Trial Judge is required to number the I.A.SR.No.11097 of 2024 in O.S. No.2455 of 2018, issue notice to the respondent and pass appropriate orders on the same. It is made clear that this Court has not gone into the merits of the case.

5. The revision petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2024

Note : The Registry is required to return the original application to the revision petitioners, after getting necessary endorsements.

Index:Yes/No
ds

4/6



CRP.No.1465 of 2024

WEB COPY To:

- 1.The XXII Assistant Judge
City Civil Court, Chennai.
- 2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



CRP.No.1465 of 2024

V.LAKSHMINARAYANAN,J.

ds

CRP.No.1465 of 2024

10.04.2024