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C.R.P.(PD).No.2584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.2584 of 2024
and C.M.P.No.13738 of 2024

Perumal

... Petitioner

VS

1.S.Abinaya

2.Deepa

3.Divya

4.Muthukrishnan

5.R.Selvakumar

6.Prema

7.M.Devi

8.Jaffer

9.A.L.Sasikumar

10.Muralikumar

11.Sathiyamoorthy

... Respondents

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Order of Return of the learned Additional District and Sessions Judge, Ranipet dated 14.08.2023 returning the Un-numbered Petition IA SR No. 2844 of 2023 dated 13.07.2023 and to direct the said Court to take on file the said Petition and permit the Petitioner to surrender the keys in the Court.

For Petitioner : Mr.K.Sivasubramanian

ORDER

The revision is against the repeated order of return by the learned Additional District and Sessions Judge at Ranipet in I.A.SR.No.2844 of 2023.

2. The petitioner is a tenant of the suit schedule mentioned properties. One S.Abinaya presented a suit for partition claiming 1/3rd share in the suit schedule mentioned properties and for permanent injunction.

3. On being served with the summons, the civil revision petitioner submitted that he is having no objection to deposit the rent before the Court.



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Pending the litigation, he has vacated the premises on 25.03.2023 and since there is a dispute between the parties, he is not in a position to handover the keys to any one. Hence, he filed an application to surrender the keys to the Court. The said application has been returned repeatedly. Hence, the civil revision petition is filed.

4. In *Selvaraj vs Koodankulam Nuclear Power Plant India*, (C.R.P.(MD).No.915 of 2020 etc., batch, dated 16.07.2027), this Court held that repeated returns does not help the progress of litigation. If the learned Judge feels the application is not maintainable, he would have to number the same and receive the counter, and then pass a judicial order. By returning it repeatedly, it neither helps the case of the petitioner nor the respondents. Therefore, there shall be a direction to the Additional District and Sessions Judge, Ranipet, to number the I.A.SR.No.2844 of 2023 in O.S.No.114 of 2021 and pass judicial order, either allowing or dismissing the application so that it would be open to any person aggrieved to work out his rights on the basis of the said order.



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5. The Civil Revision Petition is disposed of. There shall be no order as

to costs. Consequently, the connected civil miscellaneous petition is closed.

19.07.2024

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

Note to Registry: The original of I.A.SR.No.2844 of 2023 to be returned to the learned counsel for the civil revision petitioner after obtaining usual endorsement.



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To

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The Additional District and Sessions Judge,
Ranipet.



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V.LAKSHMINARAYANAN, J.

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