



C.R.P.(PD).No.3281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3281 of 2024

1. Sellam
2. Palani

.. Petitioners

Versus

1. The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Mecheri, Mettur Taluk, Salem District.
2. The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Central Office Mecheri, Mettur Dam,
Mettur Taluk, Salem District - 636 401.
3. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Central Office Mecheri, Mettur Dam,
Mettur Taluk, Salem District - 636 401.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 04.03.2024 passed in I.A.No.5 of 2023 in I.A.No.3 of 2023 in O.S.No.42 of 2023 on the file of the District Munsif Court, Mettur, Salem District.

For Petitioners : Mr.S.Arivazhagan



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For Respondent : Mrs.G.S.Dhanalakshmi,
for Mr.S.T.Raja

ORDER

Rejection of plaint is a deemed decree under Section 2(2) of the Code of Civil Procedure. Against such an order allowing a petition filed for rejection of plaint, a Civil Miscellaneous Appeal has to be preferred before the Appellate Court. The order, having been passed by the learned District Munsif, Mettur, an appeal lies before the learned Subordinate Judge at Mettur.

2. Therefore, I am not inclined to entertain the revision. Since it is an appealable decree, 30 days is granted from today to enable the civil revision petitioners to prefer an appeal before the learned Subordinate Judge at Mettur. If an appeal is filed within the aforesaid period, the learned Subordinate Judge shall receive the appeal and number it without insisting upon the application under Section 5 of the Code of Civil Procedure.

3. With the above liberty, this Civil Revision Petition is dismissed.

No costs.

14.08.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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grs

Note:- Registry shall return the original fair and decretal order to the learned Counsel for the civil revision petitioners, after obtaining usual endorsement.

To

The District Munsif,
Mettur, Salem District.



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V.LAKSHMINARAYANAN, J.

grs

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