



C.R.P.(PD)Nos.345 & 354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)Nos.345 & 354 of 2023

and

C.M.P.No.2957 of 2023

Mani

.. Petitioner in
both CRPs

Vs.

Chadayan

.. Respondent in
both CRPs

Prayer in C.R.P.(PD)No.345 of 2023 : The Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Sub Court to number the I.A.Dairy No.6025 of 2018 in O.S.No.103 of 2010 on the file of the Sub Court, Ulundurpettai, Kallakuruchi District.

Prayer in C.R.P.(PD)No.354 of 2023 : The Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Sub Court to number the I.A.Dairy No.6024 of 2018 in O.S.No.103 of 2010 on the file of the Sub Court, Ulundurpettai, Kallakuruchi District.

For Petitioner : Mr.N.Thiagarajan
(in both CRPs)

For Respondent : Mr.C.Munusamy
(in both CRPs)



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COMMON ORDER

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These Civil Revision Petitions have been filed for a direction to be issued by this Court to the learned Subordinate Judge at Ulundurpet, Kallakurichi District to number the application filed to set aside the *ex parte* decree in O.S.No.103 of 2010 dated 11.01.2011.

2. O.S.No.103 of 2010 is a suit for specific performance of an agreement of sale, dated 10.09.2008, entered into between one Mani/the civil revision petitioner and the respondent/plaintiff.

3. In the suit, summons came to be served and an *ex parte* decree was passed on 11.03.2011.

4. Pursuant to the *ex parte* decree, an execution petition was filed in E.P.No.142 of 2017 for execution of the sale deed. On coming to know of the said execution petition, the civil revision petitioner moved applications to set aside the *ex parte* decree by way of applications in Dairy Nos.6024 and 6025 of 2018. The said applications have not been numbered and have been kept pending before the learned Subordinate Judge at Ulundurpet.



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5. This Court called for a report by way of an order, dated 27.02.2023. The learned I Additional Subordinate Judge at Villupuram has submitted a report on 10.07.2024 stating that the records relating to the suit were not sent to the learned Subordinate Judge at Ulundurpet immediately to enable him to number the applications on account of the fact that an application had been filed to amend the decree in I.A.No.217 of 2022. The learned Judge has stated that the said application in I.A.No.217 of 2022 was disposed of only on 19.03.2024. Though it was disposed of in March 2024, the records could not be sent to Ulundurpet so as to enable the Court to number the applications on account of the fact that the staff did not follow up with the case. He would plead that the mistake committed by the staff may be condoned, and has stated that immediately on intimation from this Court on 09.07.2024, the entire records had been sent by the learned I Additional Subordinate Judge at Villupuram to the file of the learned Subordinate Judge at Ulundurpet.

6. The only ground on which the applications were not numbered was because the records were not available with the learned Subordinate Judge at Ulundurpet. On account of the fact that the learned I Additional



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Subordinate Judge at Villupuram has stated that the records had been dispatched and has been received by the learned Subordinate Judge at Ulundurpet on 09.07.2024, there can be no impediment for the learned Subordinate Judge at Ulundurpet to number those applications.

7. Consequently, the learned Subordinate Judge at Ulundurpet, Kallakurichi District shall number the applications in I.A.Dairy.Nos.6024 and 6025 of 2018 and dispose of the same after issuing notice in the application to the respondent/plaintiff and receiving a counter from him.

8. Accordingly, these Civil Revision Petitions stand disposed of with the above directions. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The Sub Court at Ulundurpettai,
Kallakuruchi District

C.R.P.(PD)Nos.345 & 354 of 2023

and

C.M.P.No.2957 of 2023

12.07.2024