



C.R.P.No.4695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE THIRU JUSTICE **A.D.JAGADISH CHANDIRA**

C.R.P.No.4695 of 2023
and CMP No.27905 of 2023

1.D.Selvaraj
2.P.Venkatachalam
3.R.Balasubramanian

.... Petitioners

vs

Venkatachalam (Deceased)

1.V.Loganathan
2.V.Meenakshi
3.N.P.Komarasamy

..... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 16.11.2023 in unnumbered I.A.../2023 in O.S.No.256 of 2016 on the file of II Additional District Court, Tiruppur.

For Petitioners : Ms.B.S.Mitraneeshaa

For Respondents : Notice served
No appearance

ORDER



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The Civil Revision Petition has been filed against the docket order dated 16.11.2023 in unnumbered I.A.../2023 in O.S.No.256 of 2016 on the file of II Additional District Court, Tiruppur.

2. Learned counsel for the petitioners submit that the petitioners/defendants have filed a petition under Order VII Rule 11 of Civil Procedure Code to reject the plaint. However, the learned trial Judge, while holding that the petition is maintainable at any stage, had dismissed the same by docket order without numbering the petition holding that it was filed only for dragging the proceedings. Learned counsel also submits that any petition filed should be numbered and opportunity of hearing should be given to the petitioners and appropriate order should be passed in accordance with law. He would further submit that the trial court having held that the petition is maintainable should have passed a judicial order than passing a docket order.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. A perusal of the records would show that though docket order has been



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passed, it has been passed without numbering the petition. I do not find any infirmity in the order passed by the trial Judge, however, it has been passed without numbering the petition and also without giving opportunity to the petitioner to put forth his case.

5. Therefore, the docket order dated 16.11.2023 in unnumbered I.A.../2023 in O.S.No.256 of 2016 on the file of II Additional District Court, Tiruppur is set aside and the the II Additional District Court shall number the petition and dispose of the same on merits and in accordance with law after hearing the petitioner within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observation, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

sr
Index:yes/no
Website:yes/no
Note: Issue Order copy tomorrow (03.09.2024)

A.D.JAGADISH CHANDIRA,J.,



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sr

To

II Additional District Court, Tiruppur.

CRP No.4695 of 2023

02.09.2024