



C.R.P(MD)No.188 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.02.2024**

**CORAM :**

**THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

**C.R.P(MD)No.188 of 2024**

**and**

**C.M.P(MD)No.815 of 2024**

1.Balamurugan

2.Jothimani

... Petitioners

Vs

C.K.Murugan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Order dated 21.12.2023 in A.No.6858 of 2023 in O.S.No.439 of 2015 on the file of the Principal District Munsif, Dindigul and direct the learned Principal District Munsif to number the same by allowing this Civil Revision Petition.

For Petitioners : Mr.V.Muthu Kamatchi



C.R.P(MD)No.188 of 2024

WEB COPY

## **ORDER**

This Transfer Civil Miscellaneous Petition is filed to set aside the Docket Order dated 21.12.2023 in A.No.6858 of 2023 in O.S.No.439 of 2015 on the file of the Principal District Munsif, Dindigul and direct the learned Principal District Munsif to number the same by allowing this Civil Revision Petition.

2. Expressing grievance over the non-entertainment of the application filed by the petitioner, seeking an order of set aside the *ex parte* decree that was passed on 22.08.2017, a petition was filed by the petitioner. After prolonged returns and re-submission, on 05.09.2023, encumbrance certificate was produced and on 21.12.2023, the trial Court has returned the petition by stating that on 24.08.2023 EP was terminated.

3. This Court does not understand the reason of the trial Court in not entertaining the petition. The petition ought to have been entertained on the judicial side and decided on merits. The execution order may also



**C.R.P(MD)No.188 of 2024**

taken into account while deciding the matter. It ought not have been decided on the administration side. There shall be a direction to the trial Court to entertain the petition on judicial side, after sending notice to the respondent and decide the matter on its own merits.

4. With this direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

**01.02.2024**

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Note: Let the original petition be returned to the petitioner by the Registry for further process.

pnn

To

1. The Principal District Munsif, Dindigul.
2. The Record Keeper, Vernacular Records,  
Madurai Bench of Madras High Court, Madurai.

3/4



WEB COPY



**C.R.P(MD)No.188 of 2024**

**G.ILANGO VAN, J.**

pnn

ORDER  
IN  
**C.R.P(MD)No.188 of 2024**  
**and**  
**C.M.P(MD)No.815 of 2024**

**01.02.2024**