



C.R.P(MD)No.787 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

C.R.P(MD)No.787 of 2024

R.Devendran(Died)

1.Seematty Devendran

2.Suseela Marion

3.Anand Devendran

...Petitioners/Petitioners/Plaintiffs

Vs.

1.Indradevi

2.M.Dhanushkumar

3.P.gurulatha

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Judge (Commercial Court), Thoothukudi to number the unnumbered I.A.SR.No.423 of 2023 in O.S.No.50 of 2019.

For Petitioner : Mr.C.Jeganathan

ORDER

This revision is filed seeking a direction to the learned Principal District Judge (Commercial Court), Thoothukudi to number the unnumbered I.A.SR.No.423 of 2023 in O.S.No.50 of 2019.



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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The suit in O.S.No.50 of 2019 was filed by the deceased Devendran, who is the father of the revision petitioners. The suit was filed through the power agent. It was dismissed as abated by the judgment and decree dated 14.03.2022. To set aside the same, the petitioner has filed an application. That came to be returned by the court stating that as per Section 13 of Commercial Court Act, 2015, the application is not maintainable.

4. The grievance of the petitioner is that the petitioner has filed an application under Order 9 Rule 9 C.P.C to set aside the abatement order and the same ought to have been entertained by the court. According to the petitioner, after numbering the petition, the suit may be disposed of on merits, but, without numbering the petition, the trial court has returned the petition. Hence, he prays for a direction.



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4. Considering the submission of the learned counsel for the petitioner, there shall be a direction to the learned Principal District Judge, (Commercial Court), Thoothukudi to number the unnumbered I.A.Sr.NO.423 of 2023. If any maintainability issue arises, it can be decided on the judicial side.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

Note: The Registry is directed to return the original order to the learned counsel for the petitioner.

To

1. The Principal District Judge, Thoothukudi

2. The Section Officer,
V.R.Section, Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

CM

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