



1

C.R.P.(MD)No.1442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1442 of 2024

P.Selvaraj

... Petitioner/Petitioner/
1st Defendant

Vs.

Subashini

... Respondent /Respondent/
Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.1 of 2023 in O.S.No.97 of 2016 dated 18.07.2023 by the Sub Court, Thuraiyur and allow the above Interlocutory Application.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondent : Mr.C.Jeyaprakash

**ORDER**

WEB COPY

The revision petitioner is figuring as the first defendant in O.S. No.97 of 2016 on the file of the Sub Court, Thuraiyur. The suit was dismissed on 04.10.2019. The first appeal filed against the same was partly allowed. The petitioner thereafter applied to the Court below for return of documents. It was dismissed. Challenging the same, this civil revision petition came to be filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the plaintiff / respondent herein submitted that the plaintiff has since filed S.A.SR.(MD)No.56947 of 2023. It appears that there was delay in filing the second appeal. To condone the delay, C.M.P.(MD) No.11289 of 2024 has also been filed.

3. It is for the respondent herein to have the delay condoned and the second appeal admitted or atleast notice of motion ordered. The petitioner cannot be expected to wait indefinitely for return of his documents. The petitioner is permitted to file a fresh petition before the



3

C.R.P.(MD)No.1442 of 2024

WEB COPY

trial Court for return of documents after a period of four months from today. The Court below shall take a call depending on the prevailing situation. This civil revision petition stands disposed of accordingly. No costs.

15.10.2024

Index : yes/No
Internet: Yes/No
PMU

To

The Sub Judge,
Thuraiyur.



WEB COPY



4

C.R.P.(MD)No.1442 of 2024

G.R.SWAMINATHAN,J.

PMU

C.R.P.(MD).No.1442 of 2024

15.10.2024