



C.R.P.(MD)No.1001 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.1001 of 2024
and C.M.P.(MD).No.5419 of 2024

G.Sabapathi ... Petitioner/Petitioner/1st Defendant

Vs.

1.Somasundara Bharathi

2.Poun Raj

3.Mohamed Rafiq ... Respondents 1 to 3/Respondents 1 to 3/

Plaintiffs

4.Lalitha

5.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District.

6.The Inspector of Police,
Land Grabbing (Special Cell),
Office of the Superintendent of Police,
Tenkasi District. ... Respondents 4 to 6/Respondents 4 to 6/
Defendants 2 to 4.

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to call for the records relating to the return dated 22.12.2023 of the unnumbered I.A.No.... of 2023 in O.S.No.371 of 2022



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on the file of the learned Additional District Judge, Tenkasi, Diary No. 7488 of 2023 and set aside the same and direct the learned Additional District Judge, Tenkasi to number the said application and dispose the same in accordance with law.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Kumar for R1

Mr.P.Kottai Chamy for R5 & R6
Government Advocate (Crl. Side)

No Appearance for R3

Batta due for R2 & R4

ORDER

This revision petition has been filed to set aside the return order dated 22.12.2023 of the unnumbered I.A.No.... of 2023 in O.S.No.371 of 2022 on the file of the learned Additional District Judge, Tenkasi, Diary No.7488 of 2023 and to direct the learned Additional District Judge, Tenkasi to number the said application and dispose the same in accordance with law.

2.This revision has been filed on the ground that in their absence the Settled out of Court memo was filed by the plaintiffs before the trial



3. It is the duty of the trial Court to entertain the review application and decide the same on its own merits. Even though returning the same to the administrative side is not proper on the part of the trial Court. It should be decided on its judicial side.

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original papers to the petitioner under due acknowledgement and by replacing the same with necessary copies.

5.With the above said directions, this civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Additional District Judge, Tenkasi.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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