



C.R.P(MD)No.1289 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.06.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1289 of 2024

and

C.M.P(MD)No.7435 of 2024

Sanjai Agarwal

... Petitioner/2nd Respondent

Vs.

1.R.Nagamani

... 1st Respondent/Plaintiff

2.Dev Dutt Agarwal

... 2nd Respondent/1st Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the returned order passed in returned CA.SR.No.767 of 2024 in C.O.S.No.2 of 2023 on the file of the Principal District and Sessions Judge, Theni, dated 14.02.2024 and direct the lower Court to comply the copy application in CA.SR.No.767 of 2024 in C.O.S.No.2 of 2023 on the file of the District and Sessions Judge, Theni.

For Petitioner : Mr.K.R.Shivashankari



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ORDER

The present revision petition has been filed by the second respondent in C.O.S.No.2 of 2023 on the file of the learned Principal District and Sessions Judge, Theni challenging the return order passed by the said Court in a copy application.

2. The revision petitioner was arrayed as the second respondent in C.O.S.No.2 of 2023 was set *ex parte* on 07.11.2023 and an *ex parte* decree came to be passed on 29.04.2024. Thereafter, the learned Counsel, who is appearing for the second respondent has presented a vakalath for the second respondent for the purpose of getting certified copies of plaint and other documents in the suit. The said copy application has been returned by the Office of the said Court on the ground that, the second respondent having been set *ex parte* in the proceedings, such a copy application is not maintainable.



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3. This Court is of the view that such a stand taken by the Court is not sustainable in the eye of law. Even if they want to challenge the said *ex parte* order or the decree, they require the copies of the plaint and other documents in the suit. Therefore, the return order passed by the Court is hereby set aside. The Office of the said Court is directed to furnish the certified copies of the documents as prayed for by the revision petitioner within a period of two (2) weeks from the date of filing of the copy application.

4. This Civil Revision Petition stands allowed with the above said observation. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

14.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Registry is directed to return the original impugned order.

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To

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- 1.The Principal District and Sessions Judge,
Theni.
- 2.The District and Sessions Judge,
Theni.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.1289 of 2024

14.06.2024