



C.R.P(MD)No.1210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.1210 of 2023

1.E.G.Shanthi

2.E.G.Purusotaman

3.K.G.Khirtan

... Petitioners

Vs

V.Prabakaran

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 08.12.2022 in O.S.No.1135 of 2018 on the file of the II Additional Subordinate Judge's Court, Madurai and to direct the Court below to decide the suit on merit by allowing this Civil Revision Petition.

For Petitioners : Mr.M.Saravanan

For Respondent : Mr.M.Rajaraman



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ORDER

This Civil Revision Petition is filed to set aside the docket order dated 08.12.2022 in O.S.No.1135 of 2018 on the file of the II Additional Subordinate Judge's Court, Madurai and to direct the Court below to decide the suit on merit by allowing this Civil Revision Petition.

2. Learned counsel for the petitioner would submit that at the time of returning the plaint, no detailed order was passed by the trial Court. Only on that ground, he has filed this Civil Revision Petition. Had the detailed order passed on the date of returning the plaint, the remedy available to him would have been exercised by him by filing an appeal. Without detailed order, he approached this Court.

3. The detailed order is not available and produced by the respondent herein. The order is dated 08.12.2022. This petition was preferred by the petitioner on 28.04.2023.



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4. The learned counsel for the petitioner would submit that the order was not made available to him. He had not obtained the order sofar. Only after going through the typed set of papers, he came to know that a detailed order has been passed. He seeks liberty from this Court to file proper appeal before the concerned Court and seeks ten(10) days time to file the appeal.

5. If the appeal is filed by the petitioner, within ten(10) days from the date of receipt of a copy of this order, before the concerned Court, without resorting to delay, the appeal may be entertained by the appellate Court.

6. With this direction, this Civil Revision Petition is disposed of.
No costs.

08.02.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Note: Let the original plaint be returned to the petitioner herein for further course of action.

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G.ILANGO VAN, J.

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To

- 1.The II Additional Subordinate Judge's Court, Madurai
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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