



C.R.P(MD)No.1272 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1272 of 2024

1.K.Muthulakshmi

2.Minor.K.Viswajith

3.Minor.K.Pooja Sri

... Petitioners/Appellants/
Defendants 4-6

*Petitioners 2 & 3 are minors represented by
their mother & natural guardian 1st petitioner*

Vs.

1.V.Senthilkumar

... Respondent/1stRespondent/
Plaintiff

2.R.Palaniammal

3.R.Gopalakrishnan

4.R.Aatheeswari

... Respondents/Respondents 2-4/
Defendants 1-3

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the return order, dated 01.04.2024 and direct the Principal District Court, Theni to number the unnumbered A.S.S.R.No.241 of 2024 on the file of the Principal District Court, Theni.

For Petitioners : Mr.G.Gomathisankar



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ORDER

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The present revision petition has been filed challenging the order passed by the Principal District Court, Theni in A.S.S.R.No.241 of 2024 wherein they have returned the memorandum of grounds of first appeal on the ground that schedule of property has not been mentioned in the grounds of appeal.

2. A perusal of the plaint as well as the decree drafted by the trial Court indicates that the plaintiff himself has not given the schedule of property. In such circumstances, the defendant cannot be insisted upon to mention the schedule of property in the memorandum of appeal. Therefore, the order passed by the first appellate Court is set aside and the first appellate Court is directed to number the first appeal, if it is otherwise in order.

3. In view of the above, this Civil Revision Petition stands allowed. No costs.

13.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note : Registry is directed to return the original memorandum of grounds in first appeal after getting proper acknowledgment.

To

- 1.The Principal District Court,
Theni.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.1272 of 2024

13.06.2024