



C.R.P(MD)No.1735 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1735 of 2022

and

C.M.P(MD).No.7612 of 2022

Anuradha

... Petitioner

Vs.

1.Ravi

2.Lakshmi Narayanan

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned Docket order made in returned unnumbered I.A.No.SR7180 of 2022 in I.A.No.4 of 2015 in O.S.No.31 of 2022 dated 06.06.2022 on the file of the Subordinate Court, Ottanchatiram, Dindigul District and set aside the same and direct to number the I.A.No.SR7180 of 2022 on the file of him.

For Petitioner : No appearance

For Respondents : No appearance

ORDER

The civil revision petition is filed to call for the records pertaining to the impugned docket order made in unnumbered I.A.No.SR7180 of 2022 in I.A.No.4 of 2015 in O.S.No.31 of 2022.



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2. The case of the petitioner is that originally the Interlocutory Application in I.A.No.4 of 2015 was filed for attachment before judgment. Accordingly, the said Interlocutory Application is allowed. However, the property in which the petitioner has a share is also attached by the Court. Therefore, the petitioner has filed the present Interlocutory Application to implead himself as a party and to seek for raising the order of attachment in respect of his property. When the said the Interlocutory Application is filed, the same was returned on certain grounds including the ground of maintainability. The petitioner has complied with the same and again re-presented the same. Again the petition has been returned and therefore, the present Civil Revision Petition.

3. It can be seen that no final orders has been passed by the trial Court rejecting the petition as not maintainable. It is only return endorsement. Therefore, the petitioner ought to have again re-presented it before the trial Court and ought to have pressed for a open Court hearing and argued the matter. In view thereof, the Civil Revision Petition is disposed on the following terms:

(i)The Registry is directed to return the original copies of the Interlocutory Application and the return endorsement etc., filed by the petitioner herein;



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(ii) Within two weeks from the date of receipt of the copy of the order, the petitioner shall collect the same and re-present it before the learned Subordinate Judge , Ottanchathiram, Dindigul District and upon re-presentation, the same shall be treated as represented in time and be called in open Court and the question as to the maintainability has to be decided by the trial Court. If the trial Court holds that the petition is maintainable, then the Interlocutory Application can be numbered and can be proceeded with in accordance with law and if the trial Court holds that Interlocutory Application is not maintainable, then the suitable orders has to be passed rejecting the application and repeatedly the petition cannot be returned for the same defect, especially when the parties are explaining about the maintainability.

No cost. Consequently, connected Miscellaneous Petition is closed.

10.07.2024

NCC: Yes/No
Index: Yes/No
Rmk

To

1. The Subordinate Judge, Ottanchathiram, Dindigul District.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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