



1

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.09.2024**

**CORAM
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

C.R.P(MD)No. 2207 of 2024

Shagan Pasha

... Petitioner/Petitioner/Third Party/NIL

Vs.

1. Parvathi

... 1st Respondent/1st Respondent/
Petitioner/Plaintiff

2. Rasu

...2nd Respondent/1st Respondent/
Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Return Endorsement in Unnumbered EA SR No.2149 of 2024 in EP No.853 of 1999 in O.S No.191 of 1999 on the file of the 1 Additional District Munsif Court, Trichy to number the said application and allow this Civil Revision Petition.

For Petitioner : Mr.D.Rameshkumar

ORDER

This Civil Revision Petition is filed to number the E.A.SR No.2149 of 2024 in EP No.853 of 1999 in O.S No.191 of 1999 on the file of the 1 Additional District Munsif Court, Trichy.



WEB COPY

2. The brief facts are that the suit in O.S.No.191 of 999 on the file of District Munsif Court, Trichy now bifurcated as I Additional District Court, Trichy was filed against the 2nd respondent herein for the relief of maintenance. On 04.08.1999 the said suit was agreed, but the 2nd respondent failed pay to maintenance amount awarded by the Court. Hence the 1st respondent filed an execution petition in E.P.No.853 1999 and the property mentioned in the petition was attached and brought for public auction by the Execution Court. The revision petitioner had participated in the public auction held on 09.06.2004 and he was declared as successful and he was directed to pay the amount of ₹75,100/- in time before the EP Court and also paid all the necessary fees. On 09.02.2005 a sale certificate was issued to the petitioner and by recording the same execution petition was terminated on 28.04.2005. In the above said properties there were some tenants and they refused to vacate, hence the revision petitioner preferred police complaint and also engaged in long battle with tenants. Thereafter when he intended to settle the property to their family members, it came to his knowledge that the sale certificate issued by the District Munsif Court was mistakenly issued in Judicial Stamp papers, but it ought to be issued in Non-Judicial Stamp papers. Therefore, the revision petitioner had approached the Court and also submitted that



the petitioner is ready to pay the stamp duty which was fixed by the concerned Sub Registrar Office. Hence the petitioner filed E.A.SR No.2149 of 2024 before the District Munsif Court for the relief e-challan to pay the amount before the concerned Treasury to submit the Non-Judicial Stamp papers, but without considering the same District Munsif Court returned the application on 04.03.2024 as non-maintainable. Hence the present revision petition.

3. The Learned Counsel appearing for the revision petitioner submitted that the petitioner had presented the judicial stamp papers, but the petitioner ought to have presented Non-Judicial Stamp papers. The District Munsif Court without numbering the petition had returned as not maintainable. The petitioner ought to be granted an opportunity and hear the case on merits.

4. Considering the facts of the case, this Civil Revision Petition is allowed. The Civil Revision Petitioner is directed to submit non-judicial stamp papers within a period of Three weeks from the date of receipt of a copy of this Order. Thereafter, the EP Court shall proceed in accordance to law. The said application may be completed within a period of four months, thereafter. No Costs. ***Registry is directed to return the original affidavit and petition in unnumbered E.A.S.R. No.**



4

2149 of 2024 to the petitioner.

WEB COPY

Sd/-

Assistant Registrar(RTI)

***Corrected as per order of this Court dated 18/10/2024 made in CRP(MD)No.2207 of 2024**

Sd/-

Assistant Registrar(RTI)

// True Copy //

18/10/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

KSA

To

*** To be substituted to the order already despatched on 15/10/2024**

The 1 Additional District Munsif,
Trichy

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-58144[F] dated 18/10/2024)

Copy to

The Section Officer,

Vernacular Records Section,

Madurai Bench of Madras High Court,

Madurai.

C.R.P(MD)No.2207 of 2024



5

13.09.2024

W/KVL (14.10.2024) 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

BV (18/10/2024) 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.