



C.R.P(MD)No.3092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3092 of 2024

M.Elanchezhian

... Petitioner

Vs.

J.Bharathi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Order of Return, dated 12.09.2024 in I.A.SR.No.4346 of 2024 I.A.No.413 of 2022 in O.S.No. 290 of 2017 on the file of the Additional District Munsif Court, Thanjavur, Thanjavur District and allow the above Civil Revision Petition and to pass such other order as this Court.

For Petitioner : Mr.B.Prahalad Ravi



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ORDER

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The present Civil Revision Petition is preferred against the return order, dated 12.09.2024 in I.A.SR.No.4346 of 2024 in I.A.No.413 of 2022 in O.S.No.290 of 2017 on the file of the Additional District Munsif Court, Thanjavur.

2. According to the revision petitioner, the revision petitioner as the second defendant in the above suit and the respondent as plaintiff filed the suit in O.S.No.290 of 2017 for declaration and for relief of permanent injunction against the revision petitioner and others. Pending suit, the revision petitioner took out an application seeking for the production of document with respect to the proceedings of the fifth defendant in Na.Ka.No.37404/2013/A5 dated 17.11.2014. Despite notice, the fifth defendant failed to produce the said document. Hence, the revision petitioner filed an application to issue warrant against the said respondent. However, the said application was returned by the Trial Court without assigning any reason. Hence, the present revision is preferred.



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3. Heard the learned Counsel for the petitioner and perused the materials available on record.

4. The revision petitioner filed an application for production of document in respect of the proceedings in Na.Ka.No.37404/2013/A5 dated 17.11.2014, since the fifth defendant failed to produce the said document. Hence, the revision petitioner moved an application to issue warrant against the said respondent, which was returned by the Trial Court for payment of batta. The petitioner's contention is that batta was enclosed along with the petition. The Trial Court without verifying the same has returned the petition. Hence, the Trial Court is directed to number the said application and dispose the same in accordance with law on its own merits.

5. With this observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

09.12.2024

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

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***Note: Registry is directed to return
the original plaint after getting
acknowledgement.***

To

The Additional District Munsif Court, Thanjavur,
Thanjavur District.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.3092 of 2024

09.12.2024