



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/01/2025

Wednesday, the Twenty Second day of January, Two Thousand and Twenty Five

The Hon'ble Mr. Justice G. ILANGO VAN

C.R.P(MD)No.2974 of 2023

K.Mohideen Pitchai : Revision Petitioner/ Petitioner/ Petitioner

Vs.

S.Govinthan : Respondent/ Respondent/ Respondent

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order passed in IA No.3 of 2017 in RCOP No.1 of 2016, dated 04/10/2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Shengottai.

ORDER:

This Petition coming on for orders on this day under caption "For Clarification" and upon perusing the petition and the affidavit filed in support thereof and earlier order dated 08/03/2024 and upon hearing the arguments of Mr. Jeyakumaran, Advocate for the Petitioner and of Mr. S. Rajasekar, Government Advocate for the Respondent, this court made the following order:



This civil revision was disposed of by this court, by order, dated 08/03/2004.

Later, at the instance of the revision petitioner on his mention, the matter was listed today under the caption "For Clarification".

2.The learned counsel appearing for the revision petitioner would submit that while passing the order in the main CRP, this Court directed the appellate court namely Principal Sub Judge, Tenkasi to take up the civil revision petition along with RCA No.1 of 2024, which is pending on its file for joint enquiry. CRP was transferred to that court. But, according to the petitioner, the appellate court misconstrued the order of this court directing the revision petitioner to lead evidence in RCOP No.1 of 2016. He has also produced the E-Court update, dated 20/01/2025.

3.It appears that the Transferee Court namely the Principal Sub Judge, Tenkasi, has taken up the matter as RCOP No.350 of 2024. But there is clear indication by this Court in the order itself that the civil revision petition must be taken up by the appellate court.

4.No doubt that there is no revisional jurisdiction conferred upon the appellate court. It can very well take up the matter as Civil Miscellaneous Appeal.



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5. So, it is clarified that the appellate court may take the revision as Civil Miscellaneous Appeal and proceed in accordance with law, as directed namely to hear along with RCA No.1 of 2024. Accordingly, it is clarified. The Registry is directed to comply the earlier order issued by this court, dated 08/03/2024.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/02/2025

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

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To,

1. The Principal Sub Judge,
Tenkasi.

2. The District Munsif-cum-Judicial Magistrate,
Shengottai.

3. The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

4. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

(To comply with para 10 & 12 of the order dated 08/03/2024
and para 5 of order dated 22/01/2025)



5. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

(To comply with para 10 & 12 of the order dated 08/03/2024
and para 5 of order dated 22/01/2025)

C.R.P(MD)No.2974 of 2023
22/01/2025

MGJ(14.02.2025) 4P 7C

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