



C.R.P.(MD)No.244 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.244 of 2024

1. M.Jeyachandran

2. J.Vaijeyanthi

... Petitioners/
Petitioners

Vs.

B.Palanivel

... Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Docket order passed in E.I.O.P.No.1 of 2018 dated 04.07.2023 on the file of the learned Principal District and Sessions Judge, Theni and allow the Civil Revision Petition.

For Petitioners : Mr.C.Jeganathan

ORDER

The Civil Revision Petition is directed against the order of (*)**rejection** made in E.I.O.P.No.1 of 2018 dated 04.07.2023 on the file of the Principal District and Sessions Court, Theni.

2. The learned counsel appearing for the revision petitioners would submit

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that the revision petitioners have originally filed the petition under Sections 5 and 8 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act before the Subordinate Court, Theni and the same was taken on file in E.I.O.P.No.1 of 2018 and subsequently on the point of pecuniary jurisdiction, the same was transferred to the Principal District and Sessions Court, Theni, that the learned District Judge, without taking the petition on file, has posted the case for deciding maintainability and that thereafter on 04.07.2023, the learned Sessions Judge, by observing that the petitioners were called absent, rejected the petition. He would further submit that the learned District Judge has not assigned any reason for rejection.

3. As rightly contended by the learned counsel appearing for the revision petitioners, the learned Principal District and Sessions Judge, Theni, without assigning any reason, has rejected the petition in an one line order and it is a non-speaking order.

4. Considering the above, this Court has no hesitation to hold that the impugned order is not in accordance with law and the same is liable to be set aside.

5. In the result, this Civil Revision Petition is allowed and the impugned order



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dated 04.07.2023 (*)**rejection** the petition is set aside. The learned Principal District and Sessions Judge, Theni, is hereby directed to hear the arguments of the revision petitioners with regard to maintainability and pass orders in accordance with law.
No costs.

Sd/-

Assistant Registrar(CS-I)

(*)Corrected as per the order of this Court dated.11.06.2024 made in CRP(MD) No. 244/2024

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/02/2024

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

csm

To

(*) To be substitute to the order already despatched on 19.03.2024

The Principal District and Sessions Judge,
Theni.

Copy to:

1.The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court. Madurai.(2 Copies).

2.The Section Officer,
E.R. Section,

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Madurai Bench of Madras High Court. Madurai.(Return to original Papers)

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+1 CC to M/s.C.JEGANATHAN, Advocate (SR-3450[F] dated 07/02/2024)

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Dated : 06.02.2024

SI-(26.02.2024) 4P/ 6C

RE-(30.07.2024) 4P/ 6C

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