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C.R.P.(PD).No. 256 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 256 of 2025

K.Vediappan

...Petitioner

Vs.

Chinnathambi

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the Additional District Munsif Court, Tirupattur, in unnumbered IA/2024 in OS.No.236 of 2018 dated 25.10.2024.

For Petitioner : Mr. P.M.Jayachandran

ORDER



C.R.P.(PD).No. 256 of 2023

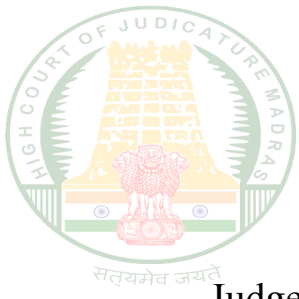
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The petitioner is aggrieved by the fact that despite re-presenting the application after complying with the return, the very same return has been made by the learned Additional District Munsif, Tirupattur.

2. Heard the learned counsel for the petitioner and perused the records.

3. The petitioner before this Court is the plaintiff in the suit. The suit O.S.No.256 of 2018 has been filed for a declaration and permanent injunction. In the said suit, the petitioner has now filed an application seeking a Police protection. The application was returned asking how it was maintainable. The Advocate has re-presented the petition by quoting certain rulings.

4. However, once again on 25.10.2024, the petition has been returned for the very same reason *"How this petition is maintainable. Hence returned"*.



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5. The second return would clearly show that the learned Trial Judge has mechanically passed orders, without taking into consideration the endorsement made when the matter was re-submitted. If the learned Trial Judge entertains doubt about the maintainability of the petition, he should have called the petition in the open Court and heard the counsel and thereafter passed orders either numbering it or rejecting it of course taking into consideration the fact that while numbering an application the learned Judge is only exercising administrative functions and if the petition conforms to the requirements it should be numbered.

6. Therefore, the Civil Revision Petition is allowed. No costs.

05.02.2025

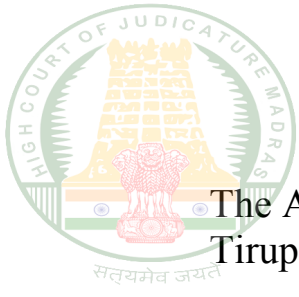
Index : Yes/No

Internet : Yes/No

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Note: The original documents shall be returned to the learned counsel for the petitioner after getting due endorsement.

To



The Additional District Munsif,
Tirupattur

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P.T. ASHA, J.



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