



C.R.P.No.805 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.805 of 2024

P.Mylsamy

... Petitioner

vs.

1.S.R.Santhalingam

2.Sellakumarasamy

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to issue necessary direction to number the I.A (Unnumbered) of 2023 in CFR No.25020 of 2023 now represented before the Court of District Munsif Pollachi concerned in Judgment and Decree dated 22.01.1998 of A.S.No.48 of 1996 on the file of Sub Court Pollachi against the Judgment and Decree dated 14.06.1996 of O.S.No.359 of 1994 on the file of the Court of District Munsif Pollachi and deal with the application in accordance with law.

For Petitioner : Mr.N.S.Siva Kumar

ORDER

The Civil Revision Petition is filed seeking a direction to number the I.A (Unnumbered) of 2023 in CFR No.25020 of 2023 seeking amendment of the decree passed in A.S.No.48 of 1996.



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2. The petitioner herein/appellant in the first appeal, filed instant application seeking amendment of description of the property found in the Appellate Court Decree. The said application was returned by the Sub Court, Pollachi raising certain objections. The same reads as follows:-

- (i) to be filed before proper forum.
- (ii) A docket sheet shall be attached.

3. The learned counsel appearing for the petitioner submits that since the application was returned by the Appellate Court, the learned counsel for the petitioner represented the papers before the District Munsif Court, Pollachi on 21.12.2023 and the same has not been numbered.

4. It is seen from the typed-set of papers that the petitioner seeks amendment of the Appellate Court Decree passed in A.S.No.48 of 1996 passed by the Sub Court, Pollachi. The petition for amendment of Appellate Court Decree can be filed only before the Court, which passed the decree. Therefore, the petitioner ought not to have represented the papers before the Trial Court, which cannot entertain the application for amendment of the Appellate Court Decree. Therefore, the petitioner is directed to get back the represented papers from the Trial Court and represent it before the Appellate



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Court namely Sub Court, Pollachi offering his explanation for the objection raised by the said Court on 10.12.2023, within a period of four week from the date of receipt of copy of this order.

5. On representation by the petitioner with his explanation, the Sub Court, Pollachi shall consider the same and if satisfied with the explanation, shall number the interlocutory application and proceed with enquiry of IA in accordance with law. In case, the Sub Court, Pollachi is not satisfied with the explanation offered by the petitioner, the matter shall be called in open Court and petitioner shall be given an opportunity to putforth his case and then orders shall be passed on merits.

6. Accordingly, the Civil Revision Petition is disposed of. No costs.

01.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The District Munsif Court, Pollachi.

2.The Sub Court, Pollachi.

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S.SOUNTHAR, J.

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