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CRP.No.200 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**C.R.P.No.200 of 2025**

P.Karthikeyan

.. Petitioner

Versus

S.V.Senthil Kumar

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, directing the I Additional Sub Judge, Salem to entertain R.E.A.SR.No.17292 of 2024 in REP.No.221 of 2020 in O.S.No.281 of 2017 and to proceed with the same.

For Petitioner : Mr.M.Santhanaraman

**ORDER**

Challenging the order of return of application filed under Order XXI Rule 26 of CPC, the present revision has been filed.

2. The petitioner herein has filed an application to set aside the exparte decree dated 11.06.2018 made in O.S.No.281 of 2017 on the file of Principal Sub Court, Salem, that application appears to have been



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dismissed and later it was restored on file on payment of costs of Rs.2000/- and the same is pending. At this stage, an application has been taken out to stay the execution, the same has been returned citing that Order XXI Rule 26 will apply only to the Transferee Court not to the Transferor Court.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. This Court is of the view that such finding at the stage of numbering the application is not necessary, the Trial Court ought to have numbered the application and hear the parties on merits and decide the issue on the basis of the law laid laid by this Court in this regard in the case of *M.Nazirudeen vs. Idol of Arulimiga Navaneetha Krishnan* reported in 1999 (1) MLJ 747.

5. Accordingly, the impugned order is set aside and this revision stands allowed. No costs. The Trial Court is directed to number the application and hear the parties and decide the issue on merits. The Registry is directed to return the original papers and the same shall be



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represented before the Court below within a period of two weeks from the date of receipt of a copy of this Order.

23.01.2025

dhk

Index : Yes/No

Internet : Yes/No

To,

The I Additional Sub Judge,  
I Additional Sub Court, Salem

**N.SATHISH KUMAR, J.,**



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