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C.R.P.(PD).No. 178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 178 of 2025

Ramesh Salunkhe

...Petitioner

Vs.

Pramila Jain

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 02.01.2025 passed in RLTOP.No.310 of 2024, on the file of the X Small Causes Court, Chennai.

For Petitioner : Mr. Om Sai Ram



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ORDER

The respondent in RLTOP proceedings is the petitioner before this Court.

2. The said petition has been filed to direct the petitioner herein to vacate and handover vacant possession of the shop portion bearing First Floor Road Facing Shop, Door No.134, NSC Bose Road, Sowcarpet, Chennai.

3. The respondent / petitioner herein filed an application to try the issue of *res judicata* as a primary issue. The petitioner would submit that the said application has been disposed of without even numbering the same by way of a docket order. Hence he has filed the above revision.



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4. Heard the learned counsel for petitioner making his submissions for an admission.

5. The learned Judge has simply rejected the proceedings in RLTOP.No.310 of 2024, without even numbering the same and affording an opportunity to the petitioner herein to make his submission. This order is erroneous for the reason that the learned Judge ought to sought the petitioner's response before rejecting the petition at the numbering stage. The parameters to be considered at the time of numbering is whether the cause title is in order, the prayer and the provision of law is correct, whether the affidavit has been solemnly affirmed and attested etc,. If all the above are in order the petition is in order. If not, time should be granted to the petitioner to rectify the defects and only if such defects are not rectified the application can be rejected.



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6. Therefore, the impugned docket order is set aside. The Presiding Officer is directed to give an opportunity to the petitioner herein to explain his petition and thereafter pass orders.

7. The Civil Revision Petition is allowed. The original application shall be returned to the petitioner after obtaining necessary endorsement. No costs.

05.02.2025

Index : Yes/No

Internet : Yes/No

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To

The X Small Causes Court,
Chennai.



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