



WEB COPY

CRP.No.2520 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.2520 of 2025

S.Bharath Rathna

... Petitioner

Vs.

1. The Manager (P & IR)
Life Insurance Corporation of India, Salem.

2. The Branch Manager,
Life Insurance Corporation of India,
Sankari Branch, Salem – 636 007.

3. Krishnaveni

4. S.Ragul Bharath

5. S.Swetha

6. The Tahsildar,
Salem North, Salem – 636 007.

7. The District Collector,
Salem District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Registry to number the Interlocutory Application n SR.No.9224 of 2024 filed by the petitioner for direction to take DNA test in O.S.No.621 of 2022 on the file of the II Additional District Munsif, Salem.

For Petitioner : Mr.Chendhan.T

**ORDER**

The Revision has been filed by the petitioner / plaintiff challenging the return of Interlocutory Application filed under Order XXVI Rule 10(a) of C.P.C., in I.A.SR.No.9224 of 2024 seeking DNA test to ascertain the legal status of the plaintiff. The said application was returned by the trial Court on 18.09.2024 with the endorsement “this petition not maintainable. Hence returned.”

2. It is the grievance of the petitioner that there is no specific reason assigned by the trial Court as to why the petition is not maintainable and no opportunity has been given to the petitioner even to make out his case as to how the application is maintainable. If at all the Court has raised any doubt regarding the maintainability of the application filed by any party, the matter should be posted for maintainability in open Court and the party should be heard and permitted to argue on the issue of maintainability and thereafter the Court shall pass orders on the application. The manner in which the present application has been returned without even granting an opportunity to the petitioner is one, depriving the petitioner of fair opportunity to put forth his contentions. Hence, I am inclined to set aside the impugned order of returning the petition as not maintainable.



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3. In view of the above, the impugned order, returning the Interlocutory application, is set aside. The application in I.A.Sr.No.9224 of 2024 shall be posted before the learned Principal Judge in open Court. The counsel for the petitioner shall be permitted to advance his arguments on the maintainability of the application. Thereafter, the trial Court viz., II Additional District Munsif, Salem shall pass orders on merits and in accordance with law.

4. With the above directions, this Civil Revision Petition is allowed.

No costs.

25.06.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes / No

vum

Note: Registry is directed to return the original application that has been filed along with the Civil Revision petition to enable the petitioner to represent the same before the trial Court.

P.B. BALAJI,J.

vum



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To

The II Additional District Munsif, Salem.

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