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C.R.P.No.441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE P.T.ASHA**

C.R.P.No.441 of 2025

The Manju Foundation Pvt Ltd
rep. By its Managing Director
Mr.Vidyasagar
No.8 Sapathaswara Apartments
II Floor, First Avenue, Ashok Nagar
Chennai 600 083. ... Petitioner

Vs

KRM Home Makers Private Limited
rep through its Managing Director
Mr.M.S.Moorthy
No.001 Inchakkal Block
Chitra Avenue, Choolaimedu High Road
Choolaimedu
Chennai 600 094. ... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to
direct to return of the counter claim filed in O.S.No.6427 of 2022 pending
on the file of the XII Assistant City Civil Court, Chennai.

For petitioner ... Mr.J.Titus Enock



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ORDER

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This Civil Revision has been filed to return the counter claim to the petitioner filed in O.S.No.6427 of 2022 pending on the file of the XII Assistant City Civil Court, Chennai.

2. Brief facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

The respondent had filed a suit claiming damages of Rs.10,00,000/- and other reliefs. The petitioner had filed a counter claim, claiming damages of Rs.16,94,202/- from the respondent. Since the pecuniary value of the counter claim exceeded the pecuniary jurisdiction of the Assistant City Civil Court, trial Court had passed an order dated 15/4/2024 for return of the counter claim. The petitioner had sought for return of the counter claim filed by him to be presented to the proper Court by filing Memo dated 2/9/2024. The respondent has not taken any steps pursuant to the order dated 15/4/2024, as the trial Court had passed an order stating that the counter claim can't be



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returned as there is no order to return the counter claim. Being aggrieved, the petitioner has come forward with the instant Civil Revision Petition, praying for the relief as stated therein.

3. Heard Mr.J.Titus Enock, learned counsel for the petitioner.

4. Today, when the matter is taken up for hearing, learned counsel appearing for the petitioner has filed an affidavit stating that he shall take return of the counter claim and represent the same as a plaint before the Court having jurisdiction.

5. Recording the same, this Civil Revision Petition is disposed of with a direction to the learned XII Assistant City Civil Judge, Chennai, to return the counter claim to the petitioner. No costs.

14/2/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

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P.T.ASHA,J

mvs.

To

1. XII Assistant City Civil Court, Chennai.
2. XI Assistant City Civil Court, Chennai.

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