



C.R.P.No. 504 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 22.04.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.504 of 2025

1. K. Vishvabarathi

2. V. Kalpana

... Petitioners

VS

1. Vijayakumar

2. Kandhan

3. The Corporation of Chennai,
Zone-IV
T.H.Road, Tondiarpet Zonal Office,
Chennai 600 081.

...Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the VIII Assistant City Civil Court, Chennai, to number the I.A.S.R.No.18321 of 2023 in I.A. No.2 of 2021 in O.S. No.4195 of 2017.

For Petitioners : Mr.P.K. Ganesh

For Respondents : Mr. R. Sundaramurthy for R1 & R2

Mr. S. Gopinathan, Standing Counsel
for Chennai Corporation (R3)



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ORDER

Aggrieved against the order of the learned VIII Assistant Judge, City Civil Court, Chennai, in returning the petition filed in I.A.S.R. No.18321/2023 in I.A. No.2 of 2021 in O.S. No.4195 of 2017, the present petition has been filed.

2. The grievance of the counsel for the petitioners is that the petitioners having filed the petition seeking to set aside the order of dismissal, the trial court ought to have numbered the petition and passed orders on merits instead of returning the same as not maintainable. He would further submit that the petition in I.A. No.2/21 was dismissed on 23.02.2022 on the ground of non compliance of the conditional order.

3. Taking into consideration the submissions made by the learned counsel for the petitioner, this Court is of the view that the trial court ought to have numbered the petition in I.A.S.R. No.18321/2023 and passed orders on merits rather than returning the same as not maintainable. It is already settled that when a petition is filed, the Court has to number the same. In view of the same, the learned VIII Assistant



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Judge, City Civil Court, Chennai, is directed to number the petition in

WEB COPY I.A.S.R. No.18321/2023 in I.A. No.2 of 2021 and pass orders on merits

after hearing.

4. With the above observations, the Civil Revision Petition is disposed of.

22.04.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

1. The VIII Assistant Judge, City Civil Court, Chennai.

2. The Corporation of Chennai Zone-IV
T.H.Road, Tondiarpet Zonal Office
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A.D.JAGADISH CHANDIRA, J.

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