



C.R.P.No.1759 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.04.2025

CORAM :

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**C.R.P.No.1759 of 2025**

1. R.Kumar

2. K.Sowbhagyam

... Petitioners

Vs

1. M/s.Margadarsi Chits Private Limited.,  
Represented by Foreman,  
A – Wing, Flat No. 1 & 2, 2<sup>nd</sup> Floor,  
Parsh manere, 602, Anna Salai,  
Chennai – 600 006.

2. M.P.Shahul Hameed

... Respondents

**PRAYER** : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to set aside the return endorsement dated 12.02.2025 and 24.02.2025 in E.A(SR).No.10665 of 2025 in E.P.No.1608 of 2020 and order the same to be numbered, pending on the file of the X Assistant City Civil Court, Chennai.

For Petitioners : Mr.M.Sakthi Narayanan



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## **ORDER**

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This Civil Revision Petition has been filed against the order of return dated 12.02.2025 and 24.02.2025 made in E.A(SR).No.10665 of 2025 in E.P.No.1608 of 2020 on the file of the X Assistant City Civil Court, Chennai and seeking for a direction to number the same.

2. It is the case of the petitioners that they had filed an application in E.A(SR).No.10665 of 2025 in E.P.No.1608 of 2020 on the file of the X Assistant City Civil Court, Chennai, under Order XXI Rule 58 of CPC on 12.02.2025 and the same was returned on the same day with endorsements “Already E.A.SR.No.66553 of 2024 was dismissed on 07.01.2025 for the same prayer. Hence how this petition is maintainable now. Explain it. 2. Petition to be filed in proper format. Hence Returned. Time two weeks.” Thereafter, the petitioners had complied with the return and represented the petition on 20.02.2025. However, the executing Court had once again returned the same on 24.02.2025 stating that “Second application for same prayer is not maintainable. Petition to be filed in proper format. Hence returned. Time two weeks.” Challenging the same, the present Civil Revision Petition has been filed.



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3. Learned counsel appearing for the petitioners submitted that the earlier application filed by the petitioners in E.A.SR.No.66553 of 2024 was dismissed for default and not on merits. He further submitted that Order XXI Rule 106 does not prevent the petitioners from filing the fresh application with the same prayer and therefore, in such circumstances, the executing Court ought not to have returned the petition as not maintainable and when the petitioner had complied with and represented the same, the Court ought to have numbered the petition and passed order on merits and not to have once again returned for the very same reason. Hence, he prayed to allow the civil revision petition.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Since the revision petition is filed against the order of return, the notice to the respondent is dispensed with.

5. On perusal of record, this Court is of the opinion that since the earlier application filed by the petitioners in E.A.SR.No.66553 of 2024 was not dismissed on merits, the court below ought to have numbered the application and passed



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orders on merits rather than returning the same as not maintainable. Therefore, this

Court, without going into the merits of the case, inclined to allow the revision petition.

6. Accordingly, this Civil Revision Petition stands allowed and the order of return made by the X Assistant City Civil Court, Chennai, in E.A(SR).No.10665 of 2025 in E.P.No.1608 of 2020 is hereby set aside and the learned X Assistant Judge, City Civil Court, Chennai, is directed to number the application filed by the petitioners in E.A(SR).No.10665 of 2025 and pass orders on merits and in accordance with law. No costs.

**29.04.2025**

Note : Registry is directed to return the original papers to the counsel for the petitioners.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The X Assistant City Civil Court, Chennai,

2. The Section Officer, VR Section, High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

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