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CRP No. 4172 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP No. 4172 of 2025

D.Gajendra Babu

S/o Sundararama No.143, Raja Street,

Thadaperumbakkam, Ponneri Taluk,

Thiruvallur District

Petitioner

Vs

G.Sundarraaj

S/o Govindaraj, No.57, Redhills Road,

Ikkadu Kandigai, Thiruvallur Taluk and

District

Respondent

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Return Docket Order dated 01.02.2025 passed by the Court of Subordinate Judge, Thiruvallur in Un-numbered IA.No. --- of 2025 in Un-numbered OS.No.-of 2024 (Filing No. OS 477 / 2023 (CNR. No. TNTR1C004422023) pending on the file of the Court of Subordinate Judge, Thiruvallur.

For Petitioner(s): M/s.V.Divia Bharathi

**ORDER**

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This Civil Revision Petition has been filed to set aside the return docket order dated 01.02.2025 passed by the learned Subordinate Judge, Thiruvallur in Un-numbered IA.No.--of 2025 in Un-numbered OS.No.--of 2024 (Filing No.OS/477/2023 (CNR.No.TNTR1C004422023) pending on the file of the Subordinate Court, Thiruvallur.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.The order under challenge is the return docket order dated 01.02.2025 passed by the learned Subordinate Judge, Thiruvallur.

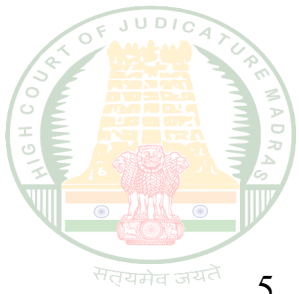
4. The civil revision petitioner had already approached this Court seeking to set aside the return docket order dated 05.06.2024 passed by the learned Subordinate Judge, Tiruvallur in unnumbered O.S.No.- of 2024 (Filing No.O.S. No.477/2023 (CNR.No.TNTR1C004422023 and to direct the learned Subordinate Judge, Thiruvallur to number the plaint pending on his file, in CRP.No.3737 of 2024. This Court, vide order dated 13.09.2024, allowed the



said civil revision petition in the following terms:

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7. *A perusal of paragraph No.16 of the plaint shows that the time for presentation of the suit expired on 23.6.2020. By virtue of the orders of the Supreme Court in RE Suo Motu **Writ Petition (C)No.3 of 2020** dated 22.3.2020 reported in [2020 (19) SCC 10], the period of limitation was suspended by the Supreme Court on account of the pandemic caused by COVID19 virus. The Supreme Court had made it clear that in case, the limitation were to expire during the pendency of the writ petition, the same shall not be taken into consideration. This explanation has been given in paragraph 16 of the plaint. When such is the case, a return by the court Registry viz., through the ministerial officer of the court, cannot but be erroneous. The same is set aside. The learned Subordinate Judge shall number the plaint. In case, the defendant takes a plea at the time of trial, the court shall decide upon such issue. The civil revision petitioner shall represent the plaint before the Court of the Subordinate Judge, Tiruvallur, within a period of two weeks from the date of receipt of the original plaint from the Registry. The learned Subordinate Judge, Tiruvallur shall number the plaint within thirty days from the date of representation of the same by the civil revision petitioner/plaintiff.*



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5. In compliance of the abovesaid order of this Court, the revision petitioner, after receiving the original plaint from the Registry, has chosen to re-present the same before the concerned Court with the delay of seven days. The Court below has made the following docket order on 06.01.2025.

“ This petition filed on 19.12.2024. From 22.12.2024 to 02.01.2025 are Christmas Holidays. On 03.01.2022 and 04.01.2025 heavy work. Hence, this petition perused today and found the following defects:

1. The Hon'ble High Court directed to represent the plaint before the Sub Court within a period of two weeks from the date of receipt of the original plaint, but the petition was filed with 7 days delay and hence praying to condone the same. Hence, as per order of the Hon'ble High Court, this Court has no power to condone the delay and to grant extension of time. Hence, it has to be filed before the Hon'ble High Court. Therefore, this petition is returned. The



plaint has also been returned. Deficit Court fee.

Again the Court below passed the following return docket order on 01.02.2025:

Previous return order dated 06.01.2025 to be complied with. Hon'ble High Court order made in CRP to be complied with. Hence, the petition already returned on 06.01.2025 is again returned today for the same reason.

6. Aggrieved by the abovesaid impugned order dated 01.02.2025, the petitioner has filed this civil revision petition.

7. Learned counsel for the revision petitioner submitted that the delay of seven days in re-presenting the plaint is neither wilful nor wanton, but only due to bona-fide reason. If the delay is not condoned, it would cause injustice to the petitioner.

8. On a perusal of the records, it is seen that this is second round of litigation. Since the revision petitioner had already approached this Court in CRP No.3727 of 2024 and this Court had also, vide order dated 13.09.2024,



directed the revision petitioner to re-present the plaint before the Subordinate Court, Tirvallur, within a period of two weeks from the date of receipt of original plaint from the Registry and also directed the learned Subordinate Judge, Tiurvallur to number the plaint within thirty days from the date of re-presentation of the same by the civil revision petitioner.

9. The reasons stated by the learned trial Judge in the return docket order is not erroneous. In case the defendant makes a plea at the time of trial, the Court shall decide the same upon such issue.

10. Considering the submissions made by the learned counsel for the petitioner and the considering the facts and circumstances of the case and also upon perusing the materials available on record, more particularly, the impugned return docket order passed by the trial Court, this Court is inclined to grant time to the revision petitioner to re-present the plaint before the Subordinate court, Thiruvallur. Accordingly, the revision petitioner shall place the plaint before the Court below on or before 16.09.2025.

11. The learned Subordinate Judge, Thirvallur shall number the plaint, if it is otherwise in order, within 15 days from the date of re-presentation of the



plaint by the revision petitioner.

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12. With the abovesaid direction, this Civil Revision Petition is disposed of. No costs.

04-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note to the Registry:

(i) The Original plaint has been filed along with this revision petition shall be returned to the revision petitioner for representation in accordance with this order forthwith.

(ii) Issue order copy on 10.09.2025.

To

The Subordinate Judge, Thiruvallur.



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M.JOTHIRAMAN J.

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