



WEB COPY

CRP No. 3715 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3715 of 2025

1. Lieutenant Colonel Sandeep Dewan
(Retd)
S/o. Major General A.K. Dewan (Retd),
Clouds End Cottage, D.No.3/106C1
DFL Estate, Near Lawrence School,
Kundah Road, Lovedale, Ootacamund,
The Nilgiris.

Petitioner(s)

Vs

1. Ootacamund Club
Rep by its President, Having registered
office at No.179, Club Road,
Ootacamund, The Nilgiris.

Respondent(s)

CRP No. 3715 of 2025

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constituino of India praying to direct the District Court, Udhagamandalam at Nilgiris to



number the application filed by the petitioner U/s 379 of BNSS in OS No.65 of 2022 and list the application for hearing before the learned Judge and pass such further or other orders as this Court.

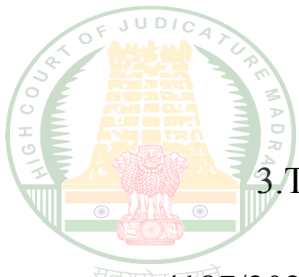
For Petitioner : Lieutenant Colonel Sandeep Dewan (Retd.)
party in person.

For Respondent(s): Mr.Suhrith Parthasarathy

ORDER

Heard Lieutenant Colonel Sandeep Dewan (Retd), petitioner in person and Mr. Suhrith Parthasarathy, learned counsel for the respondent.

2.The revision is of a very narrow scope, namely challenging the repeated return of an application filed under Section 340 of the Criminal Civil Procedure, now U/s 379 of BNSS in OS No.65 of 2022. The application has been returned by the Court on 04.01.2025 and the same has been represented on 06.01.2025. However, the court has again returned on 21.01.2025 and the applicant has represented the application on 28.01.2025. The grievance of the petitioner is that the Court ought to have numbered the application and, after hearing the respondents, passed a considerable order on merits, without keeping the application at the unnumbered stage, as has been done in the present case.



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3. The party-in-person also relies on the order of this court in [CRP](#) No. 4187/2022, wherein, in similar circumstances in respect of the earlier application, this court had directed that any application filed by either of the parties should have been taken up and an order should be passed on a judicial side, not disposed of on a ministerial side. Reliance was also placed on the decision of this Court in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited***, represented through its Project Director, reported in (2021) 3 LW 677.

4. In the light of the above, even though there may be force in the submission of the counsel for the respondent that the petitioner is in the habit of repeatedly filing interlocutory applications and protracting the proceedings and that the present application seeking to initiate proceedings against the respondent is also not maintainable in view of earlier orders passed by this Court with regard to the status of the company, taking note of the fact the trial court has not numbered the application, despite two compliances and representations having been made, in the light of the ratio laid down in the case of *Selvaraj (cited supra)*, I am inclined to direct the trial Court to hear the



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petitioner on maintainability of the application and pass a judicial order and the original papers shall be returned to the petitioner in person by the registry, across receiving an acknowledgement and the petitioner shall represent the application within a period of one week from the date of receipt of the same from the Registry of this Court and thereafter the application shall be heard for maintainability in the open court and the District Judge, Udthagamandalam at Nilgris shall hear the petitioner on the maintainability of the application in the open court and pass orders within a period of two weeks thereof. Since the respondent has entered an appearance in revision, the trial Court shall also hear the objections of the respondent with regard to the maintainability of the application before passing final orders.

5. With the above direction, this civil revision petition is disposed of. No costs.

13-08-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The District Judge, Udhagamandalam at Nilgris

2.Ootacamund Club

Rep by its President, Having registered
office at No.179, Club Road,
Ootacamund, The Nilgiris.



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P.B.BALAJI J.

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