



WEB COPY

CRP.No.2946 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.2946 of 2025

Rajevel

... Petitioner

Vs.

1.Suhandhi
2.Sivasankari
3.Sivaranjani
4.Arulmozhi
5.Kanimozhi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the return order passed by the Principal District Sessions Court, Kallakurichi, in A.S.Un-numbered of 2024 in A.S.SR.No.1071 of 2024 dated 27.02.2025.

For Petitioner : Mr.V.Gunasekar

ORDER

This Civil Revision Petition is filed for a limited relief of seeking a direction to the First Appellate Court to number the appeal.



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2. Heard the learned counsel appearing for the petitioner.

3. Despite the revision petitioner clarifying as to why there is a difference in the judgment as well as the decree, without adverting to the same, the appeal has been once again returned directing the petitioner herein/appellant to amend the clerical error in the decree copy. Since the value of the counter claim differs from the appeal and the decree copy, even in the compliance dated 14.02.2025, the petitioner/appellant has clarified as to why there is a difference and has also pointed out the grounds of challenge against the findings of the trial Court. In such view of the matter, the First Appellate Court ought to have posted the matter before the open Court for maintainability or clarification instead of returning the appeal papers once again, without addressing the compliance that was made on 14.02.2025.

4. In the light of the above, I am inclined to allow the revision petition with a direction to the First Appellate Court to permit the petitioner/appellant to re-present the papers and if the Appellate Court is not satisfied with the compliance, the Appellate Court shall post the appeal for



hearing/maintainability and after affording an opportunity to the learned counsel appearing for the petitioner/appellant, further orders shall be passed.

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5. Accordingly, this Civil Revision Petition is allowed. There shall be no order as to costs.

16.07.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The Principal District and Sessions Court, Kallakurichi.



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P.B. BALAJI,J.

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