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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3518 of 2025

Arumugam

Petitioner(s)

Vs

1. Venugopal
2. Jeevanadham
3. Duraisamy
4. Devagi

Respondent(s)

For Petitioner(s): Mr.J.Titus Enock

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct to number the unnumbered I.A.SR.No.6045/2025 in A.S.No.14 of 2023 on the file of the I Additional Sub Court, Erode, Erode District.

ORDER

This Civil Revision Petition has been filed to direct the learned I Additional Judge, Sub Court, Erode to number the unnumbered I.A.SR.No.6045/2025 in A.S.No.14 of 2023 on the file of the I Additional Sub Court, Erode, Erode District.



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2. The petitioner has filed an application for raising additional grounds in A.S.No.14 of 2023. The said application has been returned on 27.06.2025 stating that the said petition is not maintainable. The said application was re-presented stating that the additional grounds are permissible under Order 41 Rule 2 of CPC. Once again, the Court has returned the petition stating that the previous return has not been complied with.

3. The learned counsel for the petitioner would take me through Order 41 Rule 2 of CPC, which enables the plaintiff to urge any ground of objection, not specified in the memorandum of appeal, with the leave of the Court. Therefore, I do not see how the application is not maintainable as observed by the learned first Appellate Court. The application under Order 41 Rule 2 of CPC for raising additional grounds is certainly maintainable as per the provisions of Order 41 Rule 2 of CPC. Hence, the order dated 18.07.2025 is set aside. The learned first Additional Sub Judge is directed to take the application on file, if it is otherwise in order. Registry is directed to return the papers after getting an acknowledgement from the learned counsel for the petitioner.



Accordingly, this Civil Revision Petition is allowed. No costs.

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dh

Index: Yes/No

Internet: Yes/No

To

The I Additional Sub Court,

Erode.



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P.B. BALAJI.J.,

dh

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