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CRP.No.4608 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4608 of 2025

S.N.Sangaiya

... Petitioner / Petitioner / 1st Defendant

Versus

1. K.Suriyakumari

2. K.Venugopal

3. R.K.Gomathi

... Respondents / Respondents / Plaintiffs

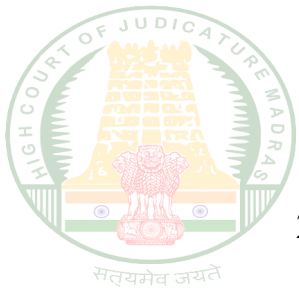
Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket order dated 26.03.2025 passed in the un-numbered I.A.No. / 2025 in O.S.No.144 of 2021 on the file of the II Additional District Court, Salem and direct the number the case and decide the case on merits.

For Petitioner

: Mr.D.Ashokkumar

ORDER

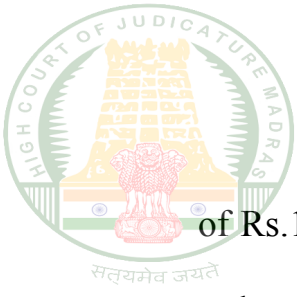
Unsuccessful first defendant has preferred the present Civil Revision Petition.



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2. The suit in O.S.No.144 of 2021 on the file of the II Assistant District Court, Salem, is filed seeking a direction to the defendants to receive the advance amount and hand over possession of the suit property. The defendants filed their written statement, and necessary issues were framed. The trial commenced, and P.W.1 was examined and cross examined. At this stage, the first defendant filed an application in I.A.No. of 2025 in O.S.No.144 of 2021 under Section 151 of the CPC seeking a direction to issue a cheque / NEFT transfer for a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) and transfer the same to the Bank account of the revision petitioner / first defendant. The Court below, vide order dated 26.03.2025, returned the petition stating that since the case is still pending and the second defendant is claiming entire amount of Rs.32,00,000/-. Hence, how the first defendant claiming of Rs.16,00,000/- in the pending suit. Hence, the petition was returned. Aggrieved over the same, the revision petitioner has preferred the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner would submit the first plaintiff, while being examined as P.W.1, clearly stated during cross - examination that she has no objection to the withdrawal of the amount



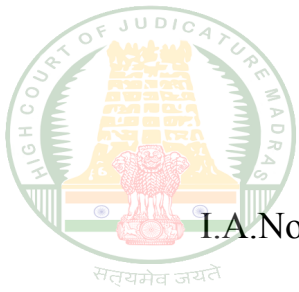
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of Rs.16,00,000/-. Therefore, learned counsel submits that the petition ought to have been numbered by the Court below, instead, it was returned, which is unsustainable in law.

4. It is seen from the records that the Court below had only returned the petition, stating that the case is pending and that the second defendant is claiming the entire amount of Rs.32,00,000/-. Hence, the first defendant is claiming Rs.16,00,000/- in the pending suit. It is for the revision petitioner / first defendant to re-present the petition in a manner known to law before the Court below.

5. In view of the above, this Court is not inclined to entertain the present Civil Revision Petition. However, liberty is granted to the revision petitioner to re-present the petition before the Court below in a manner known to law. Upon such re-presentation, the learned II Additional District Court, Salem, shall number the application, if it is otherwise in order, and dispose of the same in a manner known to law as expeditiously as possible.

6. The Registry is directed to return the original affidavit and petition in



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I.A.No. of 2025 in O.S.No.144 of 2021, filed along with the civil revision
petition, forthwith.

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7. Accordingly, this Civil Revision petition is dismissed. No costs.

25.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned II Additional District Court, Salem.

M. JOTHIRAMAN, J.

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