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CRP.No.4674 of 2025 and CMP.No.23692 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4674 of 2025

and

CMP.No.23692 of 2025

P.Bhuvaneswari

... Petitioner / Petitioner / Plaintiff

Versus

Mrs. Kowsalya (Died on 08.05.2018)

Amended as per order dated 21.01.2012

made in I.A.No.01 of 2019

(1st defendant as per Original Plaint)

1. Mrs.Aruldevi

2. Mrs. Santha

3. Mrs.Girija

4. S.D.Velumani

5. D. Lingamurthy

6. L.Sujatha

... Respondent / Respondent / Defendants

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition, set aside the final return dated 15.09.2025 passed in I.A.SR.No. 58906 of 2025 in O.S.No.5086 of 2017, on the file of XII Assistant City Civil Court, Chennai, take the application on file.

For Petitioner

: Mr.N.Manikandan



ORDER

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Unsuccessful plaintiff has preferred the present Civil Revision Petition.

2. The suit in O.S.No.5086 of 2017 on the file of the XII Assistant City Civil Court, Chennai, is filed seeking a declaration that the document registered as Doc.No.2647/2024, being the Settlement Deed executed by Kowsalya in favor of 6th defendant in respect of the 'A' schedule property, is null and void. The suit also seeks to declare the subsequent Settlement Deed registered as Doc.No.3069 of 2014, executed by the 6th defendant in favour of the 7th defendant in respect of the 'A' schedule property, as null and void and to direct the defendants to vacate the suit properties and hand over vacant possession of the 'A' & 'B' Schedule properties to the plaintiff, along with a prayer for permanent injunction.

3. The defendants filed their written statements, and necessary issues were framed. After completion of evidence on either side, the case was posted for arguments. At this stage, the plaintiff filed an application in



I.A.SR.No.58906 of 2025 in O.S.No.5086 of 2017 under Order XXVI Rule

10-A of the CPC, read with under Section 151 of the CPC and Section 45 of the Evidence Act. The Court below *vide* order dated 02.09.2025, returned the petition with the following defects:

" (1) Cause title needs revision.

(2) The petitioner has to clearly state the dispute document to be compared which document and both the documents to be of relevant period."

Thereafter, the revision petitioner re-presented the petition. Subsequently, the Court below *vide* order dated 15.09.2025, again returned the same. 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 Court below, instead of finally returning the application, ought to have taken it on file, as the returns were duly complied with by the revision petitioner / plaintiff by clearly stating the reason for filing the petition. The Court below failed to consider the bonafide reasons for filing the said application and erroneously returned the same, thereby curtailing the revision



petitioner / plaintiff's right to file an application, resulting in miscarriage of justice.

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4. It is seen from the records that the Court below, *vide* order dated 15.09.2025, returned the petition filed by the revision petitioner. Thereafter, the revision petitioner did not choose to re-present the same. It is for the revision petitioner to re-present the application before the Court below by making the necessary compliance.

5. In view of the above, this Court is not inclined to entertain the present petition. However, liberty is granted to the revision petitioner to re-present the petition before the Court below after making the necessary compliance. Upon such re-presentation, the learned XII Assistant City Civil Court, Chennai 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.SR.No.58906 of 2025 in O.P.No.5086 of 2017, filed along with the civil revision petition, forthwith.

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

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned XII Assistant City Civil Court, Chennai.

M. JOTHIRAMAN, J.

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