



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP (NPD) NO. 4895 of 2025

& CMP.No.24723 of 2025

Muthu Priyadarshini

Petitioner/3rd Party

Vs

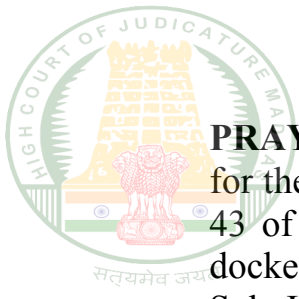
1. The Branch Manager
State Bank of India
Thennampalayam Branch,
Tiruppur.

... Respondent/1st
Respondent/Decree Holder/Plaintiff

2. Rekha
W/o. Gopalakrishnan

3. Valayapathi
S/o. Sangaralingam

... Respondents/2nd
& 3rd Respondents/ Judgment
Debtors/2nd and 3rd Defendant



PRAYER: Civil Revision Petition filed under Section 115 of CPC to call for the records in E.A.Sr.No. 10090 of 2025 in E.P.No. 154/2024 in O.S.No. 43 of 2023 on the file of the Principal Sub Court, Tiruppur, set aside the docket sheet return order dated 15.09.2025 passed by the learned Principal Sub Judge, Tiruppur, direct the learned Principal Sub-Judge, Tiruppur, to take the petitioner's Execution Application under Order 21 Rule 58 CPC on file, number it and dispose of it on merits expeditiously in accordance with law.

For Petitioner(s): Mr. P.Mohan Lal

ORDER

The revision petitioner challenges the docket sheet return order dated 15.09.2025.

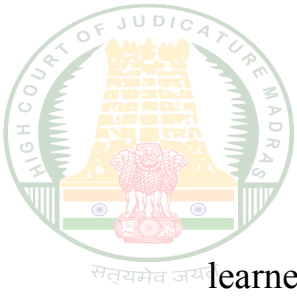
2. The learned counsel for the revision petitioner would state that though the petitioner is a third party, he is entitled to challenge the docket sheet return order under Order 21 Rule 58 CPC. He would further state that the matter was posted for arguments regarding maintainability of the Application and the learned counsel appearing for the petitioner has also made his submissions and also relied on decision of this Court on 20.08.2025. However without passing any orders thereafter, only on 15.09.2025, the Court has once again returned the application stating as to how the Application is maintainable. Therefore, the petitioner has been



constrained to move this Court directly, without even complying the returns and re-presenting the papers. Though such submission are made across the bar, I do not find even a single ground mentioning that the Counsel was permitted to argue the matter and elaborate arguments were also advanced before the Court and that after lapse of more than three weeks, the Court has returned the Application, without even referring to the arguments advanced by the learned counsel for the petitioner. Therefore, I am unable to countenance the submissions of the learned counsel for the petitioner in this regard.

3. It is however open to the petitioner to re-present the papers and the Trial Court after compliance of the return within a period of 10 days from the date of receipt of the copy of the order, along with original affidavit and petition filed before the Trial Court. On such re-presentation, the Court may examine the compliances made and if it is satisfied with the compliances, the application may be taken on file. However, if the Trial Court still entertains any doubts regarding maintainability, then the Court shall hear the learned counsel for the petitioner in open Court regarding maintainability and pass orders on merits and pass further orders on the application by way of the speaking order.

P.B. BALAJI, J.



vsg

4. Registry shall return the original affidavit and petition to the learned counsel for the petitioner by end of working hours on 16.10.2025 (Thursday), to enable to petitioner to re-present the same before the Trial Court.

5. With the above direction, this Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition stands closed.

13-10-2025

vsg

To

Principal Sub Court, Tiruppur

Note: Issue order copy on 14.10.2025

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