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CRP No.5072 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5072 of 2025

1. J.Jerald Inico

S/o A.John Simon, Res at No.44/25,
North Mada Street, Nungambakkam,
Chennai 600 034

Petitioner(s)

Vs

1. K.M.Krishna Murthy Alias M.Khannan

S/o Late B.K.Matharjan,
Res at No.44/25, North Mada Street,
Nungambakkam, Chennai 600 034

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket Order dated 16.09.2025 in IA.SR.No.52584 of 2025 in OS.No.4604 of 2023 and consequently direct the XIII Assistant City Civil Court at Chennai to number the petition filed by the petitioner in IA.SR.No.52584 of 2025 in OS.No.4604 of 2023 and allow the CRP

For Petitioner(s): Mr. S.SABARISH
for Mr.KINGSTON JEROLD



ORDER

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This Civil Revision petition has been filed challenging the docket order passed by the Court below dated 16.09.2025 in I.A.Sr.No.52584 of 2025 in O.S.No.4604 of 2023.

2. The petitioner herein filed a suit for permanent injunction against the respondent. The suit was dismissed for default on 07.08.2025. The petitioner filed an restoration application in I.A.Sr.No.52584 of 2025 and the same was returned by the Trial Court on the ground that, in the affidavit filed in support of the restoration application, certain averments were made against the court. Therefore, it cannot be adjudicated upon the correctness of the same and hence, returned the application. Aggrieved by the same, the petitioner has come before this court.

3. If the Presiding Officer of the Court feels that the averments made in the affidavit filed in support of the restoration application cannot be considered and adjudicated by him, it is for him to recuse from the case and to place the matter before the learned Principal Judge of the City Civil Court for placing the matter before some other Judge. Instead of adopting the said procedure, the court below, returned the restoration application on the ground that the averments made in the affidavit cannot be considered by him. Therefore, this



court is inclined to interfere with the impugned docket order passed by the court below.

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4. Accordingly, this civil Revision Petition is allowed and the impugned docket order passed by the Court below is set aside. The petitioner is directed to re-present the returned I.A. papers, within two weeks from the date of receipt of copy of the order. On receipt of the same, the court below shall number the Interlocutory Application, if it is otherwise in order and proceed further, as indicated above. There shall be no order as to costs. Registry is directed to return the original I.A. papers to the learned counsel for the petitioner.

27-10-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

MST

To

The XIII Assistant Judge,
City Civil Court, Chennai -104.



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CRP No.5072 of 2



S.SOUNTHAR J.

MST

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