



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6105 of 2025

WEB COPY

G.Rajamorthy,
S/o.Ganesan,
Thoppu Street, Muganthariyan Kuppam,
Agaraalambadi Post, Bhuvanagiri Taluk,
Cudalore District.

Petitioner(s)

Vs

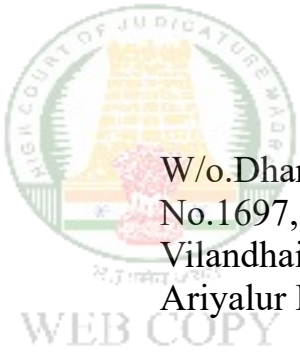
1. Selvaraj,
S/o.Subramanian,
Agrahara Street, Vilandhai (South),
Aandimadam Taluk, Ariyalur District.

Selvaraj (Died),
S/o.Thangavel
Nellumandi Street, Ilandhai, Aandimadam
Taluk, Ariyalur District.

2.Sathish,
S/o.Late Selvaraj,
Nellumandi Street, Vilandhai (South),
Aandimadam Taluk, Ariyalur District.

3.Selvi,
W/o.Late Selvaraj,
No.1393, New Street, Vilandhai (South),
Aandimadam Taluk, Ariyalur District.

4.Indra,
D/o.Late Selvaraj,



W/o.Dhandapani,
No.1697, New Pilliar Koil Street,
Vilandhai (South), Aandimadam Taluk,
Ariyalur District.

5.Saranya,
D/o.Late Selvaraj,
W/o.Karuppasamy, No.1411, New Street,
Vilandhai (South),
Aandimadam Taluk, Ariyalur District.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Lower Appellate Court to number the un-numbered CMP.Sr.No.1312 of 2025 in unnumbered A.S.Sr.No.1311 of 2025 passed by the Sub Court, Jayankondam.

For Petitioner(s): Ms.M.Abbiraami

ORDER

Heard the learned counsel for the petitioner.

2. The revision is arising out of return made by the first appellate Court, refusing to number the appeal preferred at the instance of the revision petitioner as a third party.



3. The learned counsel for the petitioner points out that the appeal was initially filed and the Court below has returned the appeal, stating that without seeking leave of the Court to file an appeal, the same is not maintainable. In compliance with the return, the petitioner has taken out an application, seeking leave to prefer the appeal, however, the Court below at that stage has returned the said application, stating that the appeal is not maintainable, as the appellant/petitioner is a third party in O.S.No.141 of 2011.

4. The petitioner is entitled to challenge the judgement and the decree passed by the trial Court, if it affects the rights of the revision petitioner. Merely, because the revision petitioner is not a party to the decree before the trial Court, the petitioner does not become dis-entitled and incapacitated to challenge the judgment and decree of the trial Court.

5. In the light of the above, I am inclined to allow the revision, setting aside the return dated 30.07.2025 on the file of the Sub Court, Jayankondam. The Registry is directed to return the original application for leave to the counsel for the petitioner to enable the petitioner to represent the papers before the first appellate Court namely, the Sub Court, Jayankondam. On receipt of the original from this Court, the appeal papers along with grant leave application shall be represented, within a period of two weeks from the date of receipt of



the original application from this Court. Upon representation, the Court below is directed to number and dispose of the same on merits and in accordance with law, within a period of four weeks thereafter.

6. With the aforesaid terms, this civil revision petition is allowed. No costs.

28-11-2025

Jd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To
The Sub Court, Jayankondam.



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P.B.BALAJI J.
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