



C.R..P.(NPD)(MD).No.465 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

C.R.P(NPD)(MD)No.465 of 2025

Sagunthala

... Petitioner/  
Petitioner/2<sup>nd</sup> Defendant

Vs.

Arumugam Servai (died)

... .... / 1<sup>st</sup> Respondent/  
Plaintiff

1. Vengatachalapathi

2. Alamelu

... Respondents/  
Respondents 2 and 3/  
Proposed Plaintiffs

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to direct the District Munsif – cum- Judicial Magistrate Court, Thirumayam, to number the interlocutory application in unnumbered I.A.No... of 2024 in O.S.No.121 of 2011, and decide the same on merits by allowing this revision and direct the registry to return the original petition, which is the impugned one in the Civil Revision Petition.

For Petitioner : Mr.K.K.Udayakumar



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## **ORDER**

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The second defendant in O.S.No.121 of 2011 on the file of District Munsif – cum – Judicial Magistrate Court, Thirumayam, has filed the present Civil Revision Petition challenging the return order passed by the trial Court.

2. A Perusal of the records reveal that the suit was filed by one Arumugam Servai for the relief of declaration of title and mandatory injunction. The sole plaintiff had passed away and since steps were not taken by the legal heirs, it was dismissed as abated by the trial Court on 14.09.2017.

3. The legal heirs of the plaintiff have filed I.A.No.68 of 2023 to restore the suit and the same is pending. In such circumstances, the first defendant has also passed away and his wife, who is arrayed as the second defendant has filed an interlocutory application seeking to permission of the Court to return the original sale deed, which was filed along with written statement in Document No.1771 of 2004. The said application has been returned by the trial Court on the ground that the restoration application filed by the plaintiffs is pending.



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4. According to the learned counsel appearing for the revision petitioner, the said sale deed is not in dispute and it has not been challenged by the plaintiffs. Therefore, they would substitute the original sale deed with certified copy of the sale deed and therefore, it is prayed that the trial Court may be directed to number the application.

5. Considering the above said facts, the trial Court is directed to number the application and after hearing the legal heirs of the plaintiff, the trial Court is directed to dispose of the said application within a period of two months from the date of receipt of a copy of this order.

6. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

**28.03.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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**Note: The Registry is directed to return the original records to the petitioner after getting necessary endorsement after retaining a copy of the same for record.**

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To

1. The District Munsif – cum- Judicial Magistrate Court,  
Thirumayam.
2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR,J.**

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