



C.R..P.(NPD)(MD).No.407 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.407 of 2025

and

C.M.P(MD) No.2314 of 2025

B.Ayyadurai

... Petitioner/Petitioner/
Defendant

Vs.

P.Mangalchand Ostowal

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to number the I.A.SR.No.9034 of 2022 in O.S.No.332 of 2010 on the file of the Sub Court, Tuticorin.

For Petitioner : Mr.D.Senthil
for Mr.P.Banuprasath

ORDER

The defendant in O.S.No.332 of 2010 on the file of the Sub Court, Tuticorin, is the revision petitioner herein.



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2. The said suit was filed for the relief of specific performance. The suit was decreed *ex parte* on 19.09.2011. The defendant has filed an application on 29.11.2022 seeking to condone the delay of 4059 days in filing an application to set aside the *ex parte* decree. This application has neither been numbered nor returned by the Sub Court, Tuticorin.

3. It is the grievance of the revision petitioner that without numbering the condone delay application, the trial Court is proceeding with E.P.No.218 of 2022. Hence, he filed the present Civil Revision Petition to issue a direction to the Sub Court, Tuticorin to number the application and proceed with in accordance with law.

4. A perusal of the certified copy issued by the trial Court for the un-numbered I.A.S.R.No.9034 of 2022 reveals that the Court is still retaining the same on its file and it has not been returned.

5. Considering the above said facts, the trial Court is directed to number the said application, if it is otherwise in order and proceed with in accordance with law.



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6. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

14.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Court,
Tuticorin.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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