



WEB COPY



A.S(MD)No.61 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.11.2025**

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

**A.S(MD)No.61 of 2018
and
C.M.P(MD)No.3661 of 2018**

S.P.Sivabalan,
No.42 Rajaji Street,
Thirumangalam Town,
Madurai District.

... Appellant/2nd Defendant

Vs.

1.Rajkumar,
S/o.K.Ice,
Sivangalai Street.,
Usilampatti Town,
Madurai District.

2.I.Jeya Prakash,
S/o.K.Ice,
Sivangalai Street.,
Usilampatti Town,
Madurai District.

3.Pappa @ Praditta,
W/o.Late Iswalli Nayagam,
Thottakarar Compound,
Pattarai Street, Theni Road,
Usilampatti Taluk,
Madurai District.

4.Bhoopathi,
S/o.Late Anbu Nackalapatti Village,
Usilampatti Taluk.
Madurai District.

... Respondents



A.S(MD)No.61 of 2018

PRAYER : Appeal Suit filed under Section 96 of C.P.C., against the judgment and decree in O.S.No.136 of 2017 (Old No.698 of 2009) on the file of the Sub Court, Tirumangalam, dated 30.11.2017.

For Appellant : Mr.A.S.Mujibur Rahman

For R1 & R2 : Mr.V.N.Arjun
for Mr.N.Vallinayagam

R3 : Ex-parte

For R4 : No Appearance

JUDGMENT

This First Appeal is filed against the judgment and decree, dated 30.11.2017 passed in O.S.No.136 of 2017 on the file of the learned Subordinate Judge, Tirumangalam.

2. When the appeal came up for hearing, both side submitted that the appeal from the judgment and decree of the Subordinate Judge shall be filed before the District Court as per the provisions of Section 13A of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003. The learned counsel for the appellant has submitted that the appeal may be returned with liberty to the appellant to file the same before the District Court. The learned counsel for the respondents has not objected the submission of the appellant's side.



A.S(MD)No.61 of 2018

3. On perusal of records, the Appeal Suit has been preferred against the judgment and decree, dated 30.11.2017 passed in O.S.No.136 of 2017 on the file of the learned Subordinate Judge, Thirumangalam and the same has been admitted and numbered as A.S(MD)No.61 of 2018.

4. Section 13A of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 reads as follows:-

Sec.13A: Appeals from decrees of Subordinate Courts.

Appeals from the decrees and orders of Subordinate Judges, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004) shall, when such appeals are allowed by the law, lie to the District Court.

Appeals from decrees of District Munsif – Appeals from the decrees and orders of District Munsifs, Subordinate Judges, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 shall, when such appeals are allowed by the law, lie to the Subordinate Court.



A.S(MD)No.61 of 2018

In this case, the judgment and decree were passed by the learned Subordinate Judge, Thirumangalam. Therefore, the First Appeal will lie only before the District Court, Madurai, as per provisions of Section 13A of the Tamil Nadu Civil Court and the Chennai City Civil Court (Amendment) Act, 2003.

5. According to Section 96 of the Civil Procedure Code, the first appeal is to be filed before the authorized Court to hear the appeal from the decisions of the trial Court. Moreover, Order 41 Rule 3 of CPC., gives the Appellate Court to reject or return the appeal for lack of jurisdiction, as like the principles governing the return of plaint under Order VII Rule 10 of CPC., which principles are also applicable to appeals as well.

6. Therefore, in view of the submissions made by both side and also in the light of the above provisions, since the appeal is preferred against the judgment and decree of the Subordinate Court, Thirumangalam, this appeal suit is returned with liberty to file before the District Court, Madurai. The Registry is directed to return the material appeal records to the appellant within a period of three weeks from the date of receipt of a copy of this order after getting necessary



A.S(MD)No.61 of 2018

acknowledgment. On getting the appeal records, the appellant is directed to file the same before the authorized District Court, Madurai, within a period of four weeks.

7. The time taken by the appellant in prosecuting the appeal before this Court is excluded if the appeal is presented within a period of four weeks from the date of receipt of material appeal records from this Court and the same shall be entertained without insisting on any application for condonation of delay. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.11.2025

VSD

To

- 1.The Sub Court,
Tirumangalam.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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A.S(MD)No.61 of 2018

P.VADAMALAI, J.

VSD

Judgment made in
A.S(MD)No.61 of 2018
and
C.M.P(MD)No.3661 of 2018

25.11.2025