



**C.R.P(MD)No.2026 of 2024**

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

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**DATED : 22.01.2025**

**CORAM :**

**THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

**C.R.P(MD)No.2026 of 2024**

R.Vijayalakshmi

... Petitioner / Defendant

Vs

C.Saravanan

... Respondent / Plaintiff

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the return order dated 27.06.2024 and direct the learned Additional Sub Court, Dindigul to number the unnumbered E.A.S.R.No.6962 of 2024 in E.P.No.28 of 2024 in O.S.No. 229 of 2017 on the file of the Additional Sub Court, Dindigul and allow this Civil Revision Petition.

For Petitioner : Mr.G.Gomathisankar

For Respondent : Mr.A.Arul Jenifer

**ORDER**

This Civil Revision Petition is filed to set aside the return order dated 27.06.2024 and direct the learned Additional Sub Court, Dindigul to number the unnumbered E.A.S.R.No.6962 of 2024 in E.P.No.28 of



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2024 in O.S.No.229 of 2017 on the file of the Additional Sub Court,  
Dindigul.

2. Against the return order dated 27.06.2024, this Civil Revision Petition is preferred. The grievance of the petitioner is that he remained *ex parte* in the main suit. To set aside the *ex parte* order, he filed an application in I.A.No.2 of 2024 before the trial Court. When the matter was pending there, execution petition was initiated by the decree holder upon which delivery was ordered. According to the revision petitioner, it is not a symbolic and physical delivery but an actual delivery. Questioning the same the revision petitioner has filed an unnumbered execution application under Order 47 of CPC, which was returned by the trial Court even without numbering the same.

3. Perusal of the return endorsement shows that during the processing of the petition, some defects were pointed out and the same were rectified by the revision petitioner and the same was represented. Finding that on re-submission, it came to be returned again on 27.06.2024, questioning the maintainability.



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4. Let the maintainability issue be decided on the judicial side.

Rejecting the petition filed by the revision petitioner, questioning the maintainability, may not be proper.

5. On the sole ground, there shall be a direction to the learned Additional Subordinate Court, Dindigul, to entertain the petition on judicial side and if any issue arises regarding maintainability, that may be decided on its own merits by affording opportunity to the revision petitioner if necessity arises for the respondent also.

6. With this above direction, this Civil Revision Petition is disposed of. Registry is directed to return the original petition to the revision petitioner for further steps, after getting appropriate acknowledgment. No costs.

**22.01.2025**

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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**G.ILANGO VAN, J.**

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To

- 1.The Additional Sub Court, Dindigul.
- 2.The Section Officer, VR Section,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN  
**C.R.P(MD)No.2026 of 2024**

**22.01.2025**