



C.R.P(MD)No.3107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2025**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3107 of 2024
and
C.M.P(MD)No.17796 of 2024

S.Kannappan

... Petitioner

Vs.

1.Esakkiammai

2.M.Lekshmana Perumal Pillai

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order, dated 28.10.2024 passed in R.P.No.48 of 2024 in O.S.No.171 of 2015 on the file of the II Additional Subordinate Court, Nagercoil by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Vashik Ali
for Mr.R.Murugan



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ORDER

The present Civil Revision Petition is preferred to set aside the docket order, dated 28.10.2024 passed in R.P.No.48 of 2024 in O.S.No. 171 of 2015 on the file of the II Additional Sub Court, Nagercoil.

2. According to the revision petitioner, the suit in O.S.No.171 of 2015 was filed by the revision petitioner and the same has attained finality by virtue of a compromise decree, dated 02.02.2016. Thereafter, the revision petitioner has filed an application in R.P.No.48 of 2024 for return of documents marked as Exhibits A.1 to A.8. However, the Trial Court ordered notice to the first respondent / defendant, which is not required. As per Order XIII, Rule 9 of the Civil Procedure Code, 1908, the petitioner is entitled to get back the admitted documents marked in the suit and since there is no appeal preferred, the petitioner is entitled to get back the documents marked on its side as Exhibits A.1 to A.8.

3. Considering the above facts and circumstances of the case, the docket order passed by the Trial Court is set aside and the Trial Court is



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directed to consider the application in R.P.No.48 of 2024 without ordering any notice to the first respondent, within a period of fifteen (15) days from the date of receipt of a copy of this order.

4. Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

23.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The II Additional Subordinate Court,
Nagercoil.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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23.01.2025