



C.R..P.(NPD)(MD).No.225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.225 of 2025

1. Pushpalatha

2. Boobala Murugan

3. Sathya Boomadevi

... Petitioners/Appellants/
Plaintiffs 4, 5 and 6

Vs.

1. Sornam

2. Muthusamy

... Respondents/Respondents/
Defendants 1 and 2

3. Vaiyapuri @ Seenivasan

4. Mariappan @ Rajarathinam (Died)

5. Subburaj

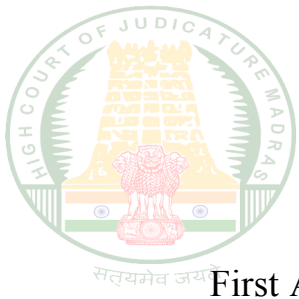
.... Respondents/Respondents/
Plaintiffs 1 and 3

6. Hemamalini

.... Respondents/Respondents/
7th Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Subordinate Judge, Thirumangalam to number the

1/6



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First Appeal filed by these petitioners in Unregistered A.S.ATN No.2023000 5159C202400004 of 2024 on the file of the Subordinate Judge, Thirumangalam.

For Petitioner : Mr.B.Rajesh Saravanan

ORDER

The plaintiffs 4 to 6 in O.S.No.197 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur, are the revision petitioners herein. They have filed the said suit for the relief of declaration and permanent injunction. The suit was dismissed by the trial Court on 21.02.2024. The plaintiffs have filed copy application on 23.02.2024. The copies were made ready on 06.03.2024 and they were taken delivery on the same day.

2. The plaintiffs/appellants presented the appeal before the Sub Court, Thirumangalam on 03.04.2024 through online. The same has been returned by the office on 08.04.2024 with a direction to file a petition under Order 41 Rule 3(A) of C.P.C. Apart from this, other defects have also been pointed out.

3. It is the grievance of the revision petitioners that when the appeal was filed within 30 days through online, the office of the Sub – Court,



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Thirumangalam, ought not to have returned the appeal citing that there is a delay.

4. This Court, by an order, dated 30.01.2025 has called for a report from the concerned Court. The learned Subordinate Judge, Thirumangalam has submitted his report on 03.02.2025.

5. A perusal of the report reveals that the revision petitioners have presented the appeal on 03.04.2024 through e-filing and the same was returned on 08.04.2024. A perusal of the certified copy of the judgment and decree of the trial Court reveal that the judgement was delivered on 21.02.2024 and the copy application was presented on 23.02.2024. The copies were made ready on 06.03.2024 and it was taken delivery on 06.03.2024 itself. The appeal has been presented admittedly on 03.04.2024 within a period of 30 days. Therefore, it is clear that the appeal has been presented in time. It is not known why return was made on 08.04.2024 indicating that the appellants should file an application to condone the delay in filing the first appeal.



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6. In view of the above said facts, it is made clear that the first appeal has been presented in time before the Sub Court, Thirumangalam. If the appeal is otherwise in order, the concerned Court is directed to number the appeal and proceed in accordance with law.

7. The original grounds of appeal and Vakalat along with return sheet may be returned to the learned counsel appearing for the revision petitioners after obtaining acknowledgment. In case, if the appeal is represented on or before **25.02.2025**, the same shall be entertained without insisting for application to condone the delay in representation.

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

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
1. The District Munsif cum Judicial Magistrate Court,
Peraiyur.
 2. The Subordinate Court,
Thirumangalam.
 3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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