



CRP(MD). No.3292 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.3292 of 2025
and
C.M.P(MD).No.18109 of 2025**

R.Santhosh Kumar,

... Petitioner

Vs

1. A.Mangalam,
2. A.Karuppaiah,
3. The Sub-Registrar,
Sub Registrar Office,
Pullamabadi,
Lalgudi Taluk,
Tiruchirappalli District.

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the docket order dated 21.08.2025 in O.S. No. 327 of 2024 on the file of the I-Additional District Court (PCR), Tiruchirappalli.

For Petitioner : Mr. K.Prabhakar,
For R 3 : Mr.P.B.Ahamad Yashmin Parwin
Government Advocate



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ORDER

This Civil Revision Petition has been filed to set aside the docket order dated 21.08.2025 in O.S. No. 327 of 2024 on the file of the I-Additional District Court (PCR), Tiruchirappalli.

2. In a suit filed by the petitioner, the first and third defendants had been set ex-parte. Notice had been sent to the second defendant by the Court below through post and through the Central Nazir of the Principal District Court, Thanjavur. The postal cover had been returned with an endorsement that the second defendant had left India. However, the service of summons had been made on the second defendant's mother, which is reflected in the endorsement made by the Central Nazir on 19.05.2025. The mother of the second defendant had received the notice indicating that her son had gone abroad. Such service is deemed to be service on the second defendant. However, the Court below on 12.06.2025 had indicated that the cover sent to the second defendant under private notice had been returned with an endorsement as 'left India', ordered fresh summons to be issued to the second defendant without looking into the summons that had already been served through

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Central Nazir, Principal District Court, Thanjavur.

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3. The certified copy of the Court summons produced along with the typed set of papers would indicate that the purported summons sent by the Trial court was received by the Principal District Court, Thanjavur and served on the mother of the second respondent/ second defendant on 15.05.2025 and returned with a report of the Central Nazir, PDC, Thanjavur indicating summons have been served on the mother. Service on a elderly member of a family of the summons is a valid service. Without noting the same, the Court below casually relying on the return of private summons has ordered to issue fresh summons to the second defendant.

4. Hence, the docket order dated 21.08.2025 is set aside with a direction to the learned First Additional District Court (PCR), Tiruchirappalli, to take on record the summons that had been served on the second defendant on 19.05.2025 through the Central Nazir Principal District Court, Thanjavur and thereafter, proceed with the case in accordance with law.



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WEB COPY 5. Accordingly, this Civil Revision petition is allowed. No Costs.

Consequently, connected miscellaneous petition is closed.

11.11.2025

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TO

The I-Additional District Court (PCR),
Tiruchirappalli.



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K.KUMARESH BABU,J

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**ORDER
IN
CRP(MD) No.3292 of 2025**

Date : 11/11/2025