



CRP(MD). No.3248 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). Nos.3248 and 3249 of 2025

and

C.M.P(MD).No.17924 of 2025

Kingslin Salomon Jebasingh,

... Petitioner
in both C.R.Ps

Vs

Antrose Navamani,
S/o. Muthu Nadar,

... Respondent
in both C.R.Ps

Prayer in C.R.P(MD).No.3248 of 2025 :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the docket order dated 29.10.2025 in unnumbered IA No. of 2025 in OS No.168 of 2024 on the file of 1st Additional District Judge, Thoothukudi and number the same.

Prayer in C.R.P(MD).No.3249 of 2025 :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the docket order dated 29.10.2025 in unnumbered IA No. of 2025 in OS No.168 of 2024 on the file of 1st Additional District Judge, Thoothukudi and number the same.



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For Petitioner : Mr.M.P.Senthil,
(in both CRPs)

COMMON ORDER

The applications have been filed under order 7 Rule 11 and Section 10 CPC were both returned with a simple endorsement as to how the same is maintainable.

2. This Court is unable to comprehend the reasons raised by the learned Judge for returning the said applications. In every suit that is filed, the defendant has a right to file an application under Order VII Rule 11 of the CPC seeking rejection of the plaint on the grounds available under clauses (a) to (d) of sub-Rule 11 order 7 CPC. Therefore, the returns as to how the petitions are maintainable is wholly innocuous.

3. Similarly, the reason stated in the application filed under Section 10 of the CPC is the pendency of a Second Appeal between the same parties in respect of the very same properties. The said application ought to have been taken on file by the learned Judge and disposed of on merits. Therefore, the returns made in both the applications are set aside.



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Accordingly, these Civil Revision Petitions are allowed, with a direction to the learned First Additional District Judge, Thoothukudi, to number the said applications and dispose of the same on merits and in accordance with law. No Costs. Consequently, connected miscellaneous petition is closed.

05.11.2025

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To

The First Additional District Court,
Thoothukudi.

Note: Registry is directed to return the original application filed along with these Civil Revision Petitions to the petitioner.



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K.KUMARESH BABU,J

TTA

**ORDER
IN
CRP(MD) Nos.3248 and 3249 of 2025**

Date : 05/11/2025