



CRP(MD). No.3257 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.3257 of 2025
and
C.M.P(MD).No.17953 of 2025**

Neel

... Petitioner

Vs

Dasarathan,
S/o. Arumugam Chettiar,
D.No.91/1,6th Main Road,
Thiruvalluvar Nagar,
Tiruvanmiyur,
Chennai..

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the order of Returned endorsement dated 09.10.2025 made in unnumbered EA of 2025 in EP No.10 of 2024 in OS No.251 of 2021 on the file of the Subordinate Judge, Ambasamudram, Tirunelveli District and number the same.

For Petitioner : Mr.J.Parekh Kumar,



CRP(MD). No.3257 of 2025

ORDER

WEB COPY

This Civil Revision Petition is filed to set aside the order of Returned endorsement dated 09.10.2025 made in unnumbered EA of 2025 in EP No.10 of 2024 in OS No.251 of 2021 on the file of the Subordinate Judge, Ambasamudram, Tirunelveli District and number the same.

2. The judgment and decree in O.S.No.251 of 2021 made by the learned Subordinate Judge, Ambasamudram, Tirunelveli District and an execution petition has been filed in E.P.No.10 of 2024 before the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.

3. The petitioner had been set Ex-parte in both in the suit as well as in the E.P. However, in the execution petition, the Ex-parte order has been set aside by order dated 09.10.2025 on payment of costs. The petitioner has now taken out of an execution application in the said petition, pending disposal of the application to set aside the Ex-parte decree in I.A.Diary No.2396 of 2025. However, the return has been made by the learned Subordinate Judge indicating that the EP had been filed to execute the decree which is passed by the different Courts of



CRP(MD). No.3257 of 2025

another jurisdiction to hold that the application filed by the petitioner is not maintainable.

4. It is not known how the said return had been made by the learned Subordinate Judge, Ambasamudram, Tirunelveli, when the decree in O.S.No.25 of 2021 had already been passed by the Subordinate Court, Ambasamudram, Tirunelveli District. Hence, the return made by the learned Subordinate Judge, Ambasamudram, Tirunelveli District, is set aside and the learned Subordinate Judge, Ambasamudram, Tirunelveli District is directed to number the E.A. Diary No.6229 of 2025 and dispose of the same within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

05.11.2025

NCC: yes / no

Index : yes / no

Internet : yes / no

tta

Note: (i) Registry is directed to return the original petition filed along with this Civil Revision Petition to the petitioner.

(ii) Issue order copy on **05.11.2025**

3/5



CRP(MD). No.3257 of 2025

TO

WEB COPY

1. The Subordinate Court,
Ambasamudram, Tirunelveli District.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(MD). No.3257 of 2025

K.KUMARESH BABU,J

TTA

**ORDER
IN
CRP(MD) No.3257 of 2025**

Date : 05/11/2025