



CRP(MD). No.3420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3420 of 2025

1. K.Manickam,

2. Vijayarani,

... Petitioners

Vs

1. Kaladevi,

2. M.Sesumi Alias Dachayini,

3. Amirtharaj,

4. The Branch Manager,
Equitas Small Finance Bank Ltd,
Greens Road, No.13-3,
Karaikudi Branch 630 001.
Sivagangai District.

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the impugned docket order dated 22-09-2025 made in unnumbered OS.SR.No.196 of 2025 on the file of the District Munsif Court, Karaikudi and to direct the trial Court to take the plaint on the file and proceed in accordance with law.



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For Petitioner : Mr. S.Srinivasa Raghavan,

ORDER

This Civil Revision Petition is filed to call for the records relating to the impugned docket order dated 22-09-2025 made in unnumbered OS.SR.No.196 of 2025 on the file of the District Munsif Court, Karaikudi and to direct the trial Court to take the plaint on the file and proceed in accordance with law.

2. The return had been made as to how the civil suit is maintainable when there is already an order passed by the High Court and the suit had been refused to be numbered with a direction to file a proper petition before the High Court.

3. By order dated 02.04.2024, this Court in WP(MD)No.3093 of 2024, had issued direction to the fourth defendant in the suit, to issue notice to the respondents 4 to 6 who were not before this Court and who are shown as defendants 1 to 3 in the present suit, calling upon them to appear on 15.04.2024 at 3.00 p.m. The Court had also further observed

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that if all the legal heirs of the deceased express a consent in writing in favour of the petitioner, then the first respondent may permit the petitioner herein to open the locker and also remove the contents found inside.

4. A perusal of the plaint would indicate that on the said date the respondents 1 to 3 have failed to appear before the fourth respondent and therefore, there is no question of them, granting any consent to comply with the order. In such circumstances, the petitioner had rightly exercised his right of filing suit as against the respondents herein to substantiate his right through mandatory injunction which can always be decided by the Court by impleading necessary parties.

5. In such view of the matter, the return made by the Court below, calling upon the petitioner to exercise his remedy before the High Court by filing appropriate application, is wholly without any application of mind.



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6. For the aforesaid aspect, the order made by the learned District Musnif, Karaikudi, is set aside and the learned District Munsif, Karaikudi, is directed to take the plaint on file and proceed further in accordance with law.

7. Accordingly, this Civil Revision Petition is disposed of. No costs.

19.11.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

Note: Registry is directed to return the original plaint filed along with the revision to the petitioner.

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To

The District Munsif Judge, Karaikudi.

2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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K.KUMARESH BABU, J

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ORDER
IN
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Date : 19/11/2025