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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 339 of 2026

1. S.Madheswaran
2. M.Saravana Prakash
3. Rajganesh
4. M.Sivakama Sundari

..Petitioner(s)

Vs

P.R.Nagaraj

..Respondent(s)

Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the return order passed in A.R.D.No.Unnumber of 2025 in O.S.No.3 of 2010 by the 1st Additional District Court, Salem on 12.12.2025 consequently direct the 1st Additional District Court, Salem, to number the petition and pass orders on merit.

For Petitioner(s):

Mr.T.Ganesan



ORDER

This civil revision petition is filed challenging the repeated returns of the applications filed by the petitioner for the return of the original document that has been marked in the suit O.S.No.3 of 2010.

2. The grievance of the petitioner is that without even numbering the application, the Trial Court has delved into the merits of the matter and returned the application, despite satisfactory compliance with the previous observations. Further, the learned counsel for the respondent, in fact, has also endorsed 'No Objection' even on the application filed by the petitioner.

3. This Court in ***Selvaraj and Others vs. Koodankulam Nuclear Power Plant India Limited, through its Project Director, Koodankulam, Ramanathapuram Taluk, Tirunelveli District***¹, issued specific directions to the Trial Court with regard to manner of dealing with the applications at the numbering stage. It is well settled that a Court cannot conduct any roving inquiry at the time of numbering of the application, as it only performs a ministerial function.

4. In light of the above, the Court below ought not to have returned the application on the ground of maintainability. Accordingly, I am inclined to set

¹ 2021 (4) CTC 539



aside the order passed by the Trial Court. Consequently, the order dated 12.12.2025 passed in A.R.D.No.Unnumber of 2025 in O.S.No.3 of 2010 by the I Additional District Court, Salem, is set aside. The Trial Court is further directed to number the application and hear the counsel for the petitioners as well as respondents.

5. Registry of Madras High Court is directed to return the original application filed in A.R.D.No.Unnumber of 2025 to the counsel for the petitioner within one week from the date of receipt of a copy of this order, to enable the petitioner to re-present the same before the I Additional District Court, Salem. On such re-presentation, the Learned I Additional District Judge shall number the application and thereafter dispose of the same on merits and in accordance with law, within a period of two weeks thereof.

6. In result, the Civil Revision Petition stands allowed in the above terms.

No costs.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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The I Additional District Court, Salem.



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P.B.BALAJI, J.

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