



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 2507 of 2026

AND

CMP NO. 10613 OF 2026

1. Aramand Dela Victorie(Died), 1 Arpoundmarie Juliette
W/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.
2. Daniel Arokiaraj Dela Victorie
D/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.
3. Eveline Nirmaladevi Dela Victorie
D/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.
4. Felix Kumar Dela Victorie
S/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.

..Petitioner(s)

Vs

1. Claire Josephine Carnot
W/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.
2. Paul Antonie Carnot
S/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,



Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.

3. Georges Carnot
S/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.
4. Anne Marie Therese Carnot
D/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.
5. Christiane Marguerite Saroja Carnot
D/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.

..Respondent(s)

CMP No. 10613 of 2026

1. Aramand Dela Victorie(Died), 1 Arpoundmarie
Juliette
W/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.
2. Daniel Arokiaraj Dela Victorie
D/o. Aramand Dela Victorie



47, Muthumariamman Koil Street,
Pondicherry - 605001.

3. Eveline Nirmaladevi Dela Victorie
D/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.

4. Felix Kumar Dela Victorie
S/o. Aramand Dela Victorie
47, Muthumariamman Koil Street,
Pondicherry - 605001.

..Appellant(s)

Vs

1. Claire Josephine Carnot
W/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.
2. Paul Antonie Carnot
S/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.
3. Georges Carnot
S/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.



4. Anne Marie Therese Carnot
D/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.

5. Christiane Marguerite Saroja Carnot
D/O. Late Prosper Evariste Jean Carnot,
Presently residing at No.29, Calve Bungalow,
Pondicherry,
Having their Permanent residence at
No.62, Clos Dec Cascades, 931160 Noisy Le
Grand,
France.

..Respondent(s)

CRP No. 2507 of 2026

Civil Revision Petition filed under Article 227 of the Constitution of India praying to call for the records in unnumbered EA.in CFR.No.5511 of 2026 in EP.No.389 of 2021 in AS.No.508 of 2016 in OS.No.24 of 2007 (old SR.313 of 2001) pending on the file of the Ld.II Addl.Dist. Judge, Puducherry dated 16-03-2026 and direct the learned II ADJ Puducherry to process, and number the returned unnumbered EA in CFR.No.5511 of 2026 and dispose the same in accordance with law in the interest of justice.

CMP No. 10613 of 2026

To pass an order to stay the entire proceedings in EP.No.389 of 2021, pending on the file of II Addl.Dist. Judge, Puducherry, pending disposal of the above CRP.



WEB COPY

CRP No. 2507 of 2026

For Petitioner(s): M/S. R.Ganesan

For Respondent(s):

Order

- (1) The above Civil Revision Petition is filed by the petitioners against the return of unnumbered EA in CFR.No.5511/2026 in EP.No.389/2021 in AS.No.508/2016 in OS.No.24/2007, by the learned II Additional District Judge, Puducherry, with a prayer to number the aforesaid unnumbered EA in CFR.No.5511/2026 and to dispose of the same in accordance with law.
- (2) Since no adverse order is passed against the respondents, notice to the respondents is dispensed with.
- (3) The petitioner filed unnumbered EA in CFR.No.5511/2026 in EP.No.389/2021 in AS.No.508/2016 in OS.No.24/2007 under Section 379 of BNSS [Section 340 of Cr.P.C], praying the Court to pass an order sending the complaint of the petitioners to the jurisdictional Magistrate Court against the respondents / plaintiffs and their counsel and the counsels who attested the Vakalatnamas, of which, one of the Vakalatnama was filed with forged signatures of the plaintiffs and the other was alleged to have been obtained by the plaintiffs' lawyer by



WEB COPY

personally going over to France and in violation of the mandatory rituals for transnational documents, thereby committing perjury punishable under Chapter XVI of BNS, 2023 [Chapter XI of IPC] read with Section 231 of BNS, 2023 [195[1][b] of Cr.P.C.] and to punish those persons in accordance with law.

- (4) The said petition was returned by the learned II Additional District Judge, Puducherry, questioning the maintainability of the petition. The petitioners, aggrieved by the said return, have filed the aforesaid Civil Revision Petition.
- (5) Mr.R.Ganesan, learned counsel for the petitioner submitted that if the Court below entertained any doubt on the maintainability of the petition, it ought to have numbered the petition, afforded an opportunity to the petitioners and thereafter, passed judicial orders on the maintainability of the petition. The learned counsel submitted that the procedure adopted by the Court below was against the law laid down by the Hon'ble Supreme Court in the case reported in **2019 [9] SCC 154 [P.Surendran Vs. State]**. The learned counsel further submitted that the petitioners may be given liberty to represent the EA papers; however, in the mean time, the Court below may order delivery of the property and therefore, the learned counsel submitted that pending representation of the petition, if the property is delivered, the petition would become infructuous and the valuable rights of the petitioners would be prejudiced.



(6) This Court finds force in the submissions of the learned counsel for the petitioner. The Hon'ble Supreme Court, in the case of ***P.Surendran Vs. State [2019 [9] SCC 154]***, categorically laid down the law that the Registry cannot decide the maintainability of the petition by ministerial function. The issue of maintainability of the petition is in the realm of the Court and therefore, it has to be decided by judicial order.

(7) In the light of the judgment of the Apex Court, this Court is inclined to pass the following directions:-

(a) The petitioners are directed to represent the unnumbered EA in CFR.No.5511/2026 in EP.No.389/2021 in AS.No.508/2016 in OS.No.24/2007, on 28.04.2026.

(b) Upon receipt of the aforesaid petition, the Registry of the Court below shall number the unnumbered EA in CFR.No.5511/2026 and list it before the learned II Additional District Judge, Puducherry, for maintainability.

(c) The learned II Additional District Judge, Puducherry, after giving notice to the petitioners and the respondents' counsel, afford an opportunity of hearing to both counsels, and shall pass orders on merits and in accordance with law within a period of three weeks from the date of representation of the EA on 28.04.2026.



WEB COPY

CRP No. 2507 of 2



(d) It is made clear that till the maintainability of EA is decided within the time stipulated above or earlier, the learned II Additional District Judge, Puducherry, shall not proceed with the Execution Proceedings in EP.No.389/2021 in AS.No.508/2016 in OS.No.24/2007.”

- (8) The Civil Revision Petition is accordingly, **allowed**. No costs. Consequently, the connected miscellaneous petition is closed.
- (9) The Registry is directed to return the original unnumbered EA to the learned counsel for the petitioner on proper verification forthwith.
- (10) The learned counsel for the petitioner is permitted to represent the unnumbered EA before the Court below, on the basis of the web copy of this order.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

NOTE: Issue Order copy today [24.04.2026]

AP

To
The II Additional District Judge
Puducherry.



WEB COPY

CRP No. 2507 of 2



N.MALA J.

AP

**CRP No. 2507 of 2026
AND
CMP NO. 10613 OF 2026**

24-04-2026