



CRP(MD). No.572 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.572 of 2026

C.Puhazharason

... Petitioner

Vs

1.Therese

2.M.Arun Theepan

3.M.Gnana Ruban

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the return of the I.A.(Unnumbered) of 2025 in O.S.No.59/2025 dated 07-11-2025 on the file of the Tenkasi Principal Sub Court, Tenkasi filed as per W.P.(MD).SR.No. 60466 of 2025 of the Madurai Bench of Madras High Court and to number the IA (Unnumbered) in O.S.No.59/2025 in the Tenkasi Principal Sub Court, Tenkasi to proceed further.

For Petitioner : Mr.C.Puhazharason
party-in-person

ORDER

This Civil Revision Petition has been filed challenging the docket order dated 07.11.2025 made in I.A.No.unnumbered of 2025 in O.S.No.59 of 2025 on the file of the Principal Subordinate Court, Tenkasi.

1/5



CRP(MD). No.572 of 2026

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2.The petitioner/plaintiff has filed a suit in O.S.No.59 of 2025 before the Principal Subordinate Court, Tenkasi, for the relief of declaration along with other reliefs. The plaint of the aforesaid suit was rejected under Order VII Rule 11 of CPC on 29.01.2025. Subsequently, the petitioner filed an application in I.A.No.unnumbered of 2025, seeking to restore the plaint in O.S.No.59 of 2025 and to permit him to represent and to prosecute the case. The said application had been returned on various occasions and finally, vide order dated 07.11.2025 stating that 'previous direction to be complied. Hence, returned'. Challenging the same, the present Revision.

3.The petitioner/party-in-person reiterating all the contentions set out in the memorandum of Civil Revision Petition would submit that returning the plaint by the Court below is a ministerial act. He would further submit that if the present application is not numbered, the petitioner will be put to irreparable loss and hardship. Therefore, he seeks interference of this Court with the order impugned in this Civil Revision Petition.



CRP(MD). No.572 of 2026

4. Heard the learned counsel for the petitioner and records perused. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.

5. Admittedly, the petitioner/plaintiff has filed the suit for declaration along with other reliefs and the plaint of the aforesaid suit was rejected on 29.01.2025. Subsequently, the petitioner filed an application in I.A.No.unnumbered of 2025 seeking to restore the plaint in O.S.No.59 of 2025 and the same had also been returned by the Court below on 07.11.2025 stating that 'previous direction to be complied. Hence, returned', which is under challenge herein.

6. It is to be noted that when an application has been returned by the Court below for non-compliance with the earlier directions, the proper course open to the petitioner is to re-present the same after rectifying the defects and complying with the directions already issued by the Court. Instead of doing so, the petitioner has approached this Court by filing the present Civil Revision Petition, which is not maintainable at this stage.



CRP(MD), No.572 of 2026

7. Therefore, considering the facts and circumstances of the case and after perusal of the averments made in the application, without going into the merits of the case, this Court directs the petitioner/party-in-person to re-present the application in I.A.No.unnumbered of 2025 before the Principal Subordinate Court, Tenkasi, after duly complying with the defects and earlier directions, within a period of two weeks from the date of receipt of a copy of this order and on such re-presentation within the time stipulated by this Court, the learned Principal Subordinate Judge, Tenkasi, is directed to consider the same and pass appropriate orders with regard to numbering of such petition, after hearing the petitioner, in accordance with law, within a period of two weeks therefrom.

8. The Civil Revision Petition stands disposed of, with the aforesaid directions. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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27.02.2026

To

The Principal Subordinate Judge, Tenkasi.

4/5



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CRP(MD). No.572 of 2026

N.SENTHILKUMAR, J.

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CRP(MD). No.572 of 2026

27.02.2026