



C.R.P.(PD)(MD)No.179 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(PD)(MD)No.179 of 2019

and

C.M.P.(MD)No.790 of 2019

K.Devaraj

... Petitioner

Vs

1. The Good Samaritan Trust,
Nazerath, Kunnathur Po,
Pudukottai District,
Registered Office at
The Good Samaritan Trust,
The Good Samaritan Centre,
St.Mary's School,
Nagamangalam, Trichy 620 013.

2. The Good Samaritan Trust,
Through its Chairman,
A.Velankanni,
No.2, Kambar Street,
First Cross Street,
Kumaran Nagar, Tiruchirappalli.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 09.01.2019 passed in I.A.SR.No.1160 of 2018 in I.A.No.337 of 2018 in O.S.No.1114 of 2018 on the file of the Principal Subordinate Judge, Tiruchirappalli.



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For Petitioner : Mr.R.Sundar
For Respondent : Mr.S.Manoj Kumar

ORDER

This Civil Revision Petition has been filed challenging the order of the return dated 09.01.2019 in I.A.SR.No.1160 of 2018 in I.A.No.337 of 2018 in O.S.No.1114 of 2018 on the file of the Principal Subordinate Judge, Tiruchirapalli.

2. The respondent herein instituted a suit under Section 92 of CPC, seeking framing of scheme. The respondent obtained leave to file a suit in I.A.No.337 of 2018. The petitioner herein, who was arrayed as first defendant in the suit filed an application in I.A.SR.No.1160 of 2018 seeking to recall the order passed by the trial Court granting leave to the respondent to file the suit. The said application was returned by the trial Court on the ground that the suit was already taken on file and hence, the application was not maintainable. However, the petitioner re-presented the papers offering his explanation regarding the maintainability of the application on 09.01.2019. On the very same date, the impugned order



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of return was passed by the Court below on the ground that the explanation offered by the petitioner was not satisfactory and again the IA papers were returned. Aggrieved by the same, the present Revision Petition has been filed.

3. This Court heard the submissions made by the learned Counsel appearing on either side and perused the materials available on record.

4. If the explanation offered by the petitioner is not satisfactory, then the proper course for the Court is to call the matter in open Court and afford the petitioner with an opportunity to put forth his case. However, in the case on hand, the Court below without affording the opportunity to the petitioner to put forth his case, simply returned the papers on the ground that explanation offered by the petitioner is not satisfactory. The procedure adopted by the Court below is not acceptable to this Court and the same violates natural justice principles. Therefore, the impugned order of return is set aside and the petitioner is directed to re-present the IA papers within two weeks from the date of receipt of a copy of this order. The trial Court shall call the matter in open Court and hear the petitioner and then pass suitable orders on its own merits and in accordance with law.



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5. With these directions, this Civil Revision Petition stands disposed of. There shall be order as to costs. Consequently, connected miscellaneous petition is closed.

6. The Registry is directed to return the original papers in I.A.SR.No.1160 of 2018 in I.A.No.337 of 2018 in O.S.No.1114 of 2018 to the learned counsel appearing for the petitioner.

01.07.2026

NCC : Yes / No
Index : Yes / No

vsm



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To

- 1.The Principal Subordinate Judge, Tiruchirapalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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