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C.R.P.(MD)No.55 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.55 of 2026

and

C.M.P.(MD)No.269 of 2026

Dhilipan @ Vijayasekar

... Petitioner

-VS.-

Magudeeswaran

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to direct the Court below to number the petition in E.A.SR.No.10991 of 2025 in E.P.No.38 of 2025 in O.S.No.172 of 2016 on the file of the Principal Subordinate Court, Palani and adjudicate the same on merits.

For Petitioner :Mr.V.Balaji

For Respondent :Mr.M.Arjun Varman



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ORDER

The present Civil Revision Petition has been filed seeking a direction to the learned Principal Subordinate Judge, Palani, to number E.A.SR.No.10991 of 2025 in E.P.No.38 of 2025 in O.S.No.172 of 2016.

2.Heard Mr.V.Balaji, learned Counsel for the Revision Petitioner and Mr.M.Arjun Varman, learned Counsel for the respondent.

3.The respondent, as plaintiff, has filed a suit in O.S.No.172 of 2016 before the Principal Subordinate Court, Palani, against the petitioner herein for recovery of a sum of Rs.3,39,500/-. The said suit was decreed *ex parte* on 12.04.2023. Thereafter, the respondent has filed an Execution Petition in E.P.No.38 of 2025. During the pendency of the same, as the petitioner did not appear before the Executing Court, he was set *ex parte* and *ex parte* order was passed on 03.08.2025. Thereafter, the petitioner has filed above application to set aside the *ex parte* order, dated 03.08.2025. However, the said application was returned by the Court below by citing some defects. Hence, the present



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Civil Revision Petition has been filed.

4.The learned Counsel for the petitioner submitted that the application was filed on 20.04.2025 and the same was returned on the same day, which is *per se* illegal and seeks a direction to number the said application.

5.From the perusal of the records, it is to be seen that without even complying with the defects pointed out by the Court below, the petitioner has rushed to this Court seeking for a direction to number the application, which has to be deprecated. The petitioner has to satisfy the Court below by re-presenting the application. However, without even made an attempt to comply with the defects pointed out by the Court below, the petitioner has straightaway come to this Court, which cannot be entertained by this Court. Hence, this Civil Revision Petition is devoid of merits.

6.In the result, the Civil Revision Petition is dismissed. The petitioner shall comply with the defects pointed out by the Court below. No costs. Consequently, connected miscellaneous petition is closed.



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7.Registry is directed to return the original documents, if any filed by the petitioner, to the learned Counsel for the petitioner, after following due procedure.

23.02.2026

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The Principal Subordinate Judge, Palani.



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N.SENTHILKUMAR, J.

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