

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

Present: **Thiru. L.PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Tuesday, the 23rd day of June 2026

I.A. No. 05 of 2025
in
C.A. No. 1176 of 2026
in
O.S. No. 53 of 2020
(C.N.R. No. TNNS030 - 00086 - 2020)

H. Ravichandran

... Petitioner/Plaintiff

/Vs/

Sivaji

... Respondent/Defendant

This petition came on 22.06.2026 for final hearing before me in the presence of Mr. Pon Ramachandran, Learned counsel for the Petitioner/Plaintiff, upon hearing the petitioner side, and upon considering case records carefully, this court passes the following :

ORDER

1. This petition is filed under Rule 129(2) of the Civil Rules of Practice read with section 151 of the Code of Civil Procedure, seeking restoration of the copy application that was struck off by this Court.

Gist of petition and affidavit:

2. The averments in the affidavit filed in support of the petition disclose that the above suit was disposed of on 01.06.2026. Thereafter, the petitioner/plaintiff preferred a copy application on 02.06.2026 for obtaining certified copies for the purpose of filing an appeal before the appellate Court. In the said copy application, stamp papers were called for and the petitioner was

directed to deposit the same on or before 15.06.2026. However, due to oversight, the stamp papers could not be deposited within the stipulated time and consequently the copy application came to be struck off on 16.06.2026. It is further stated that the non-deposit of stamp papers within time was neither wilful nor deliberate, but occurred due to circumstances beyond the control of the petitioner and his counsel. Hence, the present petition has been filed seeking restoration of the copy application to enable the petitioner to prefer an appeal before the competent appellate Court.

Point for Consideration:

3. This petition was presented before this Court on 22.06.2026. The submissions made on behalf of the petitioner were heard. The affidavit filed in support of the petition and the records available before this Court were carefully perused. The petitioner has not deposited the required stamp papers along with this petition.

4. Considering the reasons assigned in the affidavit and taking note of the fact that the delay in depositing the stamp papers occurred due to oversight on the part of the learned counsel for the petitioner and that the petitioner intends to avail the statutory remedy of appeal, this Court is of the view that sufficient cause has been shown for restoring the copy application. No prejudice would be caused by allowing the petition, whereas refusal to restore the copy application would deprive the petitioner of an opportunity to pursue the appellate remedy. Therefore, in the interest of justice, this Court is inclined to allow the petition.

Result:

5. *In the result, this petition is allowed. The copy application, which was struck off on 16.06.2026, is hereby restored to file under Rule 129(2) of the Civil Rules of Practice. The Copy Section Superintend is directed to follow the prescribed procedure and make necessary endorsements in the relevant records by specifically mentioning:*

- (i) the date of striking off of the copy application, namely, 16.06.2026;*
- (ii) the date of filing of the present restoration petition, namely, 22.06.2026; and*
- (iii) the date of allowing this restoration petition, namely, 23.06.2026.*

6. *The petitioner shall comply with the copying requirements and deposit the requisite stamp papers in accordance with the Rules, whereupon further action shall be taken in the restored copy application in the usual course.*

This order dictated by me to the typist, transcribed by her, corrected and pronounced by me in the open court on this the 23rd day of June 2026.

**District Munsif,
Udhagamandalam**

Draft/ Fair Order:

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in
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in
O.S. No. 53/2020**

Dated: 23.06.2026

**District Munsif,
Udhagamandalam**