



WEB COPY

CRP No. 5354 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 5354 of 2025

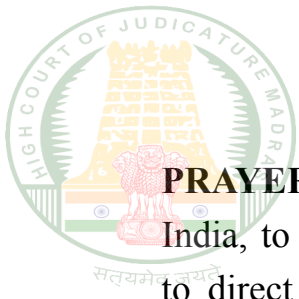
K. Prasad,
Represented by his Power Agent
P.Jayashree,
W/o.Prasad,
Plot No.77, TNHB Colony,
Chenniamman Temple Plan,
MIG-2 Type, Thiruvalluvar Nagar,
Tondiarpet, Chennai 600 081.

Petitioner(s)

Vs

Amudha,
W/o.Kumar,
Plot No.77, TNHB Colony,
Chenniamman Temple Plan,
MIG-2 Type, Thiruvalluvar Nagar,
Tondiarpet, Chennai 600 081.

Respondent(s)



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set-aside the return in I.A.(SR).No.65790/2025 dated 09.10.2025 and to direct the learned XIX Assistant City Civil Court, Allikulam, Chennai to number the interlocutory Application and proceed further purely according to law.

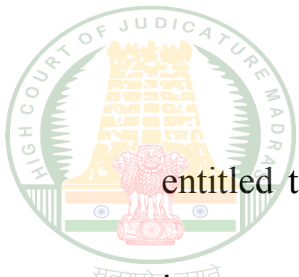
For Petitioner(s): Mr.P.Vijendran

ORDER

Heard Mr.P.Vijendran, learned counsel for the petitioner.

2. The grievance of the petitioner is that the application filed for perjury under Section 227 of BNS Act, 2023 before the learned XIX Assistant City Civil Court, Allikulam, has been repeatedly returned, despite compliances and representation in time. The learned Trial Court has not numbered the application.

3. The learned counsel for the petitioner also placed reliance on the decision of this Court in the case of *S.Parameswari Vs.Denis Lourdusamy* reported in **2011 (5) CTC 742**, where this Court has held that the Court is not



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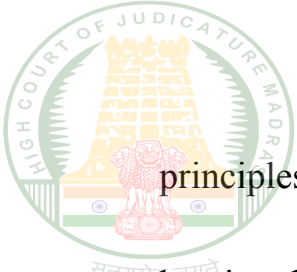
entitled to return an application for the second time and if the Court has any issue regarding the maintainability of the application, then it is competent to the

Court to hear the petitioner or the applicant in open Court and thereafter decide the issue of maintainability. Further, he submitted that, this Court in the case of

Selvaraj Vs. Koodankulam Nuclear Power Plant India Ltd., reported ***in 2021***

(4) CTC 539, it is also held that the Court is only performing a ministerial function at the time of numbering the application and cannot take up any judicial role and decide the merits of the application.

4. In the light of the above settled principles, I am inclined to set aside the last return dated 09.10.2025. Registry is directed to return the original affidavit, within a period of one (1) week from today to the learned counsel for the petitioner to enable the petitioner to represent the same. The petitioner shall represent the same before the Trial Court, within a period of two (2) weeks thereafter. Upon representation, the learned XIX Assistant City Civil Court, Allikulam, shall hear the petitioner on the issue of maintainability and thereafter decide the Interlocutory application. The Trial Court shall keep in mind the



principles laid down by this Court in the case of *Selvaraj*, stated supra, while hearing the maintainability of the application.

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6. With the above observations & directions, this Civil Revision Petition is disposed of. No costs.

31-10-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Learned XIX Assistant City Civil Court,
Allikulam, Chennai.



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P.B.BALAJI J.
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