

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2179 of 2015
and M.P.No.1 of 2015

Sharbudeen
rep by its Power Agent
Rashidha Banu

... Petitioner

Vs.

1.Abdul Samadhu

2.Bi Bi John

3.Malliga Bi

4.Abdul Majid

5.John Basha

6.Akbar Basha

7.Rafia Bi

8.Razool

9.Zameela Bi

10.Abdul Jabbar

11.Shiadi

12.Syed Basha

13.Mubbarak

14.Kamurudeen

... Respondents

(14th respondent remained exparte before the Lower Appellate Court.
Hence, notice may be dispensed with.)

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in C.M.A.No.4 of 2013 on the file of the Sub Court, Kallakurichi dated 29.01.2015 reversing the fair and decreetal order passed in I.A.No.499 of 2012 in O.S.No.188 of 2012 dated 21.06.2013 on the file of the District Munsif Court, Sankarapuram.

For Petitioner : Mr.S.Kamadevan

ORDER

The 1st plaintiff has filed the above Civil Revision Petition challenging the judgment and decree passed in C.M.A.No.4 of 2013 on the file of the Sub Court, Kallakurichi, reversing the fair and decreetal order passed in I.A.No.499 of 2012 in O.S.No.188 of 2012 on the file of the District Munsif Court, Sankarapuram.

2.Though the first plaintiff has challenged the judgment and decree passed in C.M.A.No.4 of 2013, Mr.S.Kamadevan, the learned counsel appearing for the petitioner submitted that the suit itself is ripe for trial and therefore, the trial Court may be directed to dispose of the suit within a stipulated time instead of deciding the correctness of the judgment and decree in C.M.A.No.4 of 2013.

3.Having regard to the submission made by the learned counsel for the petitioner, while confirming the judgment and decree passed in

C.M.A.No.4 of 2013 on the file of the Sub Court, Kallakurichi, I direct the District Munsif, Sankarapuram, to dispose of the suit in O.S.No.188 of 2012, on merits and in accordance with law, without being influenced by the observation given either in I.A.No.499 of 2012 or in C.M.A.No.4 of 2013, within four months from the date of receipt of a copy of this order.

4.With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

10.06.2015

To

1.The Sub Court,
Kallakurichi.

2.The District Munsif Court,
Sankarapuram.

M.DURAIWAMY,J.
va

C.R.P.(PD).No.2179 of 2015
and M.P.No.1 of 2015

10.06.2015