

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.571 of 2015

and

M.P.No.1 of 2015

1. Shamsunisha
2. Safia Begaum

...

Petitioners

Vs.

1. The President,
Orangur Village panchayat,
Orangur Village & Post,
Thittakudi Taluk, Cuddalore District.
2. The Block Development Officer,
Mangalore Union, Cuddalore District.
3. The Revenue Divisional Officer,
Virudhachalam.
4. The Tahsildhar,
Thittakudi.
5. The District Collector,
Cuddalore.

6. Kannadasan
7. Selvarasu
8. Selvaraj
9. Rajambal

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order of the Learned District Munsif dated 30.04.2014 made in I.A.No.47 of 2014 in O.S.No.11 of 2014.

For Petitioners

:

Mr. R.Subramanian

ORDER

This civil revision petition is directed against the order dated 30.04.2014, passed by the District Munsif cum Judicial Magistrate, Tittagudi in I.A.No.47 of 2014 in O.S.No.11 of 2014.

2. The petitioners are the plaintiffs 3 & 4 in O.S.No.11 of 2014. The suit was filed for injunction restraining the defendants to dispose the plaintiffs from the suit property. The plaintiffs filed I.A.No.47 of 2014 praying for interim injunction. Pending the suit, the Learned District Munsif cum Judicial Magistrate, Tittagudi, has closed the interim application on 30.04.2014 stating that the suit itself is taken up for enquiry. Aggrieved by the order, the present civil revision petition is filed.

3. Mr.R.Subramanian, learned counsel for the petitioners submitted that the defendants remained ex parte in the suit as well as in the application. However, the learned District Munsif cum Judicial Magistrate, Tittagudi, in stead of passing further orders, postponing the proceedings in the suit. It is further submitted that after setting the respondents ex parte in I.A, the learned District Munsif cum Judicial Magistrate, Tittagudi, should have proceeded to dispose of the I.A. on merits.

4. It is seen from the records that the trial in the suit had commenced even in the month of March, 2014. The learned counsel submitted that all the defendants were set ex parte and the suit is still pending.

5. Considering the submission of the learned counsel for the petitioners, the learned District Munsif cum Judicial Magistrate, Tittagudi is directed to dispose of the suit O.S.No.11 of 2014 on merits and in accordance with law within a period of two months from the date of receipt of copy of the order.

In the result, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2015

Index : Yes/No

Internet: Yes/No

sms

Note: Issue order copy on 16.02.2015

To

The District Munsif cum Judicial Magistrate, Tittagudi.

K.KALYANASUNDARAM,J.

sms

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