

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15.11.2016**

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**

**CRP (PD) NO.2600 OF 2015**  
**AND MP NO.1 OF 2015**

Geetha @ Mohanasundari ... Petitioner

***Versus***

M.Velusamy ... Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 03.06.2015 made in I.A.No.173 of 2015 in O.S.No.28 of 2015 on the file of Principal District Judge, Namakkal.

For Petitioner : Mr.G.Ethirajulu

For Respondent : Ms.Uma Maheswari  
for M/s.C.Jagadish

**ORDER**

The respondent filed a suit for correction of survey number

in the settlement deed in O.S.No.28 of 2015, on the file of Principal District Judge, Namakkal. The suit was filed in his capacity as power agent of the plaintiff.

2. The petitioner on receipt of information with regard to the initiation of the suit, filed an application before the Trial Court in I.A.No.173 of 2015 to implead her as a party. The learned Trial Judge dismissed the application on the ground that the petitioner failed to produce documents in support of her contention. The said order is under challenge in this Civil Revision Petition.

3. The learned counsel for the petitioner contended that the petitioner was present on the date of hearing. However, the respondent was not present. The learned Trial Judge without giving opportunity to the petitioner to produce the documents, dismissed the application. The order is therefore liable to be set aside.

4. The learned counsel for the respondent fairly submitted that the respondent has no objection in allowing this Civil Revision Petition. According to the learned counsel, outer time limit should be fixed for the disposal of the application.

5. The petitioner filed the application in I.A.No.173 of 2015 to implead her as a party to the suit. It was filed on account of the initiation of the suit by the respondent on the strength of a power agent stated to have been executed by the petitioner. The Trial Court dismissed the application solely on the ground that the petitioner failed to produce supporting documents.

6. There is nothing on record to show that the petitioner has been given opportunity to file documents and in spite of such indulgence, there was no action taken to produce the documents. I am therefore of the view that the Civil Revision Petition deserves to be allowed.

7. In the result, the order dated 03.06.2015 is set aside. The application in I.A.No.173 of 2015 is restored to file.

8. The learned Trial Judge is directed to decide the application afresh, on merits and as per law, as expeditiously as possible, and in any case, within a period of two months from the date of receipt of a copy of this order.

9. The Civil Revision Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

**15.11.2016**

TK

To

The Principal District Judge  
Namakkal.

**K.K.SASIDHARAN, J.**

TK

**CRP (PD) NO.2600 OF 2015**

**15.11.2016**

**<http://www.judis.nic.in>**