

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.11.2016**

CORAM:

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

C.R.P.(P.D.) No.4796 of 2015 and
M.P.No.1 of 2015

1.R.S.Rajkumar
2.Dr.J.Gopalakrishnan
3.G.Manoharan
4.R.Annamalai
5.G.Kothandaraman
6.N.Ravikumar
7.Thenmozhi Manoharan
8.Indumathi Gopalakrishnan

...Petitioners

versus

1.T.A.Sahabudeen
2.J.M.Rahmathuallah
3.T.A.Bakrudeen Gandhi
4.Thiruvarur Lions Eye Hospital Trust,
a public Charitable Trust represented by its Author
Founder Chairman and Trust S.M.Miskeen
5.S.M.Miskin
6.T.M.Munavardeen
7.S.Sarbudeen

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order of the Principal District and Sessions Court, Tiruvarur dated 09.10.2015 made in I.A.No.74 of 2013 in unfilled IA / 2012 in O.S.No.10 of 2012.

For Petitioners : Mr.S.Sounthar

For Respondents : Mr.V.Bhiman for R1 to R3
Mr.C.Jagadish for R4 and R5
No appearance for R6 and R7

ORDER

This Civil Revision Petition is directed against the order dated 9 October 2015 in I.A.No.74 of 2013, whereby and where under, the learned Principal District and Sessions Judge, Tiruvarur, dismissed the application filed by the petitioners to revoke the leave on the ground that the suit is posted for arguments.

2. Heard the learned counsel for the petitioners and the learned counsel for the respective respondents.

3. The application to revoke the leave was filed in 2013. By the time the application was taken up by the learned Judge, evidence was completed. It was only in the said circumstances, the learned Judge dismissed the application with an observation that both the parties would be at liberty to argue the matter.

4. The learned counsel for the petitioners contended that there is no reference in the order as to whether arguments could be advanced with respect to the question raised by the petitioners with regard to

revocation of leave.

5. The learned counsel for the respective respondents fairly submitted that it is open to the petitioners and other parties to argue on the point with regard to grant of leave as well as its revocation along with arguments to be advanced on the merits of the matter.

6. The learned Principal District and Sessions Judge, Tiruvarur, is directed to frame an issue as to whether leave is liable to be revoked. The parties must be permitted to advance arguments with respect to the said issue. The learned Judge is further directed to answer the said issue on the basis of materials.

7. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2016

Index:Yes/No
svki

K.K.SASIDHARAN, J.

(svki)

To

The Principal District and Sessions Court, Tiruvarur

C.R.P.(P.D.) No.4796 of 2015

17.11.2016

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