

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.(PD) No.1619 of 2013
and M.P.No.1 of 2013

B.Sridhar

... Petitioner

Vs.

1.M.Murthy

2.M.Kalaiselvi

3.M.Yasodha

4.M.Banugopal

5.M.Chandran

6.M.Rajendran

7.Selvi M.Manimegalai

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order and decreetal order dated 11.08.2012 passed in I.A.No.35 of 2012 in O.S.No.141 of 2010 on the file of the Learned Principal Sub-Ordinate Judge, Chengalpattu.

For Petitioner	:	Mr.J.R.K.Bhawanantham
For Respondents	:	Mr.A.Babu for R1 and R2 Mr.S.Anbu Raja for R4 & R6 No appearance for respondents 3,5 and 7.

ORDER

The petitioner is the second defendant in O.S.No.141 of 2010 on the file of the learned Principal Subordinate Judge, Chengalpattu and the suit is for declaration, partition and permanent injunction.

2. The plaintiff filed I.A.No.35 of 2012 under Order 6 Rule 17 of Civil Procedure Code seeking for amendment of plaint. The trial court passed an order dated 11.08.2012, which is cryptic in nature and no reason has been assigned while passing the order.

3. On reading of the impugned order, it is seen that even the judgments therein have been blanketly stated and have not been elaborately discussed to conclude whether they are applicable to the present case or not and it is also not mentioned as to on what grounds they are relied on. Such an order cannot be sustained and the impugned order is totally infirm and not sustainable at the outset.

4. Hence the impugned order passed by the Principal Subordinate Court, Chengalpattu on 11.08.2012 in I.A.No.35 of 2012 in O.S. No.141 of 2010 is set

aside and the matter is remanded back to the trial Court for re-hearing and disposing of the same. The trial Court is directed to hear the matter by giving an opportunity to all the parties concerned and dispose of the same, on merits and in accordance with law, within four weeks from the date of receipt of copy of this order. No costs. The Miscellaneous Petition is closed.

07.10.2016

vsi2
To
The Principal Sub-Ordinate Judge,
Chengalpattu.

S.M.SUBRAMANIAM,J.

vsi2

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