

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2226 of 2016

and

C.M.P.No.11551 of 2016

1.C.Madhuyram

2.S.Mayan

3.S.Karnan

4.S.Veeran

5.U.Vijaya

Samundi (deceased)

6.S.Thirumurugan

7.Manimegalai

.. Petitioners

.Vs.

1.Technical Staff Housing Society,

Represented by its Secretary,

No.787, Anna Salai,

Chennai 600 002.

2.K.Raman

3.G.Jeyarajan

4.P.Kandasamy

5.A.Venkatachalam

6.K.V.Kandasamy

7.S.K.Baldev

8.A.Valliammal

9.L.M.Sakuntala

10.C.Balasubramanian

11.S.Swaminathan

12.M.Pasupathy

13.A.Adhithan

14.A.Poongothal

15.M.Rajavelu

16.A.Lalitha

17.K.Somasundaram

18.K.Varadarajan

- 19.M.C.Srinivasan
- 20.T.M.T.Jayalakshmi
- 21.A.Padmavathi
- 22.S.Swaminathan
- 23.Tamil Nadu Electricity Board,
Rep.by its Chairman,
No.731, Mount Road,
Chennai 600 094.
- 24.M.Vijayalakshmi
- 25.D.Vijayan
- 26.A.Thirunavukkarasu
- 27.D.Sampath
- 28.Corporation of Madras
Represented by its Commissioner,
Rippon Building, Park Town,
Chennai 600 003.
- 29.Madras Metropolitan Development,
Authority, Represented by its Secretary,
Gandhi Irwin Road,
Chennai 600 008.
- 30.R.Valliammal
- 31.R.Uma
- 32.R.Anuradha
- 33.R.Yuvarani
- 34.A.Sivasubramaniam ..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India , praying to set aside the fair and final order dated 11.07.2016 made in I.A.SR.No.10541 of 2016 in O.S.No.6592 of 2013 on the file of XV Additional Judge, City Civil Court, Chennai.

For petitioners : Mr.S.Subbiah

For Respondents : Mr.D.Prabhu Mukunth Arunkumar

ORDER

This revision challenges the order of learned XV Additional Judge, City Civil Court, Chennai, passed in I.A.SR.No.10541 of 2016 in O.S.No.6592 of 2013 on 11.07.2016.

2. Petitioners/plaintiffs have filed I.A.SR.No.10541 of 2016 in O.S.No.6592 of 2013 seeking to amend the plaint. The Court below, under orders dated 11.07.2016, rejected the petition as not maintainable. Hence, this revision.

3. It is submitted by learned counsel for petitioners that the application moved seeking amendment of the plaint, has been dismissed even without numbering and considering the same. He further submits that inspite of direction of this court passed in CRP.No.250 of 2015 dated 16.02.2015, directing the Court below to number and dispose of the I.A., the same has not been done. The suit as also such application may be disposed of within a period now stipulated.

4. Learned counsel for caveators/respondents 8,9,21 and 34 submits that this case is 34 years old and since that the petitioners have abused the process of Court, the Court below has dismissed the application. The position

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that the petition was not even numbered and considered on merits, is not disputed.

5. Taking note of the submissions of learned counsel for petitioners that an earlier direction to the Court below to dispose of the suit within a period of three months has not been complied with, this Court would now direct the Court below to number the Interlocutory application filed by the petitioners and consider and dispose of the same on merits and in accordance with law. The Court below is also directed to dispose of the main suit, in any event, within a period of one month from the date of receipt of this order.

6. The Civil Revision Petition is disposed of accordingly. No costs. Consequently connected Civil Miscellaneous Petition is closed.

08.08.2016

Index : Yes/No

Internet : Yes/No

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Note : Issue Order Copy on 09.08.2016

To

The XV Additional Judge,
City Civil Court, Chennai.

CRP(PD)No.2226 of 2016 and
C.M.P.No.11551 of 2016