

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2235 of 2016

and

C.M.P.No.11580 of 2016

1.Pasibeerappa

S/o.Chikkanna alias Buddappa

2.Marappa

S/o.Chikkanna alias Buddappa

... Petitioners

vs

1.K.C.Muniraju

S/o.Chinna Lingappa

2.The Senior Engineer,

Tamil Nadu Pollution Control Board,
SIPCOT, Hosur.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned District Munsif cum Judicial Magistrate I, Hosur, in I.A.No.102 of 2015 in O.S.No.5 of 2005 on 06.07.2015 .

For Petitioners : Mr.V.Nicholas

ORDER

This revision arises against the order of learned District Munsif cum Judicial Magistrate I, Hosur, passed in I.A.No.102 of 2015 in O.S.No.5 of 2005 on 06.07.2015 .

2. Petitioners/plaintiffs filed O.S.No.5 of 2005 on the file of learned District Munsif cum Judicial Magistrate I, Hosur, seeking cancellation of lease agreement executed by plaintiffs in favour of first defendant on 10.07.2003 and other consequential reliefs. Petitioners/plaintiffs filed I.A.No.102 of 2015 to receive reply statement. The Court below, under the impugned order, dismissed such application. Aggrieved, petitioners/plaintiffs have filed this revision.

3. Heard learned counsel for petitioners.

4. The Court below, in dismissing the application, has taken note of the position that the suit was of the year 2005, that on two occasions, petitioners/plaintiffs have been set *ex parte*, thereafter, the case has been restored and after much delay, the examination of petitioners/plaintiffs as also defendants has been completed on 17.09.2014. The suit stood at the stage

of arguments over a very long period and eventually, the application has been moved by petitioners/plaintiffs to receive reply statement as late as on 19.02.2015. Considering such application as one meant to merely protract proceedings, the Court below dismissed the application. This Court finds no error in the order under challenge.

The Civil Revision Petition is dismissed with costs in a sum of Rs.3,000/ - payable to the Tamil Nadu State Legal Services Authority within a period of two weeks of the receipt of this order. Connected miscellaneous petition is closed.

09.08.2016

Index:yes/no
Internet:yes
gm

To

- 1.The District Munsif cum Judicial Magistrate I,
Hosur.
- 2.The State Legal Services Authority,
High Court, Madras.

C.T.SELVAM, J

gm

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