



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Eighth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

CMP(MD) No.4485 of 2016

IN

REV.APLC(MD) No.SR13458 of 2016

M.SANKARA SUKUMAR

... PETITIONER/3rd PARTY

Vs

1 N.BALASUBRAMANIAN

...1ST RESPONDENT/REVIEW PETITIONER

2 N.HARIHARA KRISHNAN

3 N.SANKARA IYER,

4 N.SUNDARA RAMA

5 M/S.NADESAN INDUSTRIES HAVING

O/O AT MEDAVAKKAM ROAD,

1ST DIVISION SOZHINGANALLORE VILLAGE,

KANCHIPURAM DISTRICT.

REP.BY N.BALASUBRAMANIAN

... RESPONDENTS Nos.2 to 5/

RESPONDENTS Nos.1 to 4 in CRP

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Leave to the petitioner to file 3rd Party Review application in CRP(MD) (PD)No.401 of 2013 and thus render justice

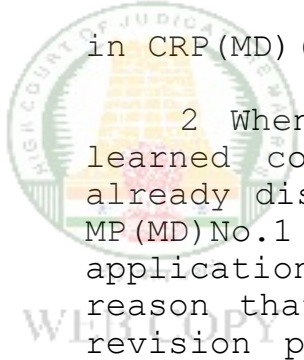
Prayer in CRP(MD). 401/ 2013 :

To reject the plaint in O.S.No.3 of 2013 on the file of III Additional District Judge, Tirunelveli.

PRAYER IN REV.APLC(MD) No.SR13458 of 2016:

to review the order passed in CRP(PD) (MD)No.401 of 2013 dated 11.03.2013 and dismiss the CRP.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S NAVENKUMAR , Advocate for the Petitioner , Mr.A.L.SOMAYAJI Senior Counsel for Mr.K.GOVINDARAJAN, Advocate for R1, Mr.S.MEENAKSHI SUNDARAM, Advocate for R3, MR.T.R.SWAMINATHAN, Senior Counsel for Mr.T.ANTONY ARULRAJ, for R4, and the court made the following order:-



in CRP(MD) (PD)No.401 of 2013.

2 When the matter came up for hearing before the Court, the learned counsel for the petitioner submits that this Court has already dismissed the application filed by the petitioner herein in MP(MD)No.1 of 2015, to permit the petitioner to file set aside application. The said application was dismissed by the Court for the reason that the petitioner has no locus standi in the said civil revision petition. Now, he has filed the present application to grant leave to file a petition to review the said order passed by this Court.

3 During the Course of the argument, the learned counsel for the petitioner would submit that the petitioner may be permitted to raise all the grounds in the suit filed by the petitioner in O.S.No.37 of 2014 before the learned IV Additional District Judge, Tirunelveli and the said suit can be decided on merits and as per the provisions of law.

4 The learned senior counsel appearing for the first respondent would submit that the said suit filed by the petitioner herein shall be decided independently and in accordance with the provisions of law. However, the respondents herein will also raise all the objections before the Court below in the said suit including the maintainability of the said suit.

5 In view of the said submission made by the parties concerned, I am of the view that no further order is necessary in this petition.

Accordingly, the present application is disposed of. Consequently, the Rev.Aplc.(MD)No.SR 13458 of 2016 is also closed.

sd/-
28/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE III ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.

+2cc to Mr.NAVEENKUMAR MOORTHY Advocate Sr.No. 73784
+1cc to Mr.S.MEENAKSHI SUNDARAM Advocate Sr.No. 73609
JAM/09.12.16/db/SAR 3/2P-5

ORDER
IN
CMP(MD) No.4485 of 2016
IN

REV.APLC(MD) No.SR13458 of 2016
Date :28/11/2016