



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR

C.R.P. PD (MD) No. 2306 of 2016

and

C.M.P. (MD) No. 10626 of 2016

St. Infant Jesus Theresa's Parish Church,
Kandanvilai,
Rep. by its Parish Priest Mr. K. George

... Petitioner

Vs.

S. Viyagappan
Represented by his power Honldr
V. Charlesw

... Respondent

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order and decreetal order dated 30.09.2016 passed by the Additional District Munsif, Eraniel in I.A.No.144 of 2016 in O.S.No.548 of 1995.

For Petitioner	: Mr. K. N. Thampi
For Respondent	: Mr. K. Mathan

ORDER

This Civil Revision petition has been filed against the order and decreetal order dated 30.09.2016 passed by the Additional District Munsif, Eraniel in I.A.No.144 of 2016 in O.S.No.548 of 1995.

2. The petitioner has filed the suit in O.S.No.814 of 1992 before the District Munsif Court, Padmanabhapuram. Subsequently, the same was transferred and renumbered as O.S.No.548 of 1995 on the file of the Additional District Munsif Court, Eraniel. Both sides were examined and also cross examined and the case is posted for argument. At this stage, the present application in I.A.No.144 of 2016 is filed by the respondent herein and the learned Additional District Munsif allowed the application. Challenging the said order, the petitioner / respondent filed the present Civil Revision petition.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The contention of the learned counsel for the petitioner is that without considering the objections raised by the revision petitioner, the said application in I.A.No.144 of



2016 was allowed by a non speaking order. Further, he would submit that at the stage of argument the present application is filed to recall P.W.1, hence, the said application is a belated one.

4.The learned counsel appearing for the respondent fairly conceded that no reason has been recorded while allowing the application by the court below. It is represented that already this Court has directed the learned Additional District Munsif to dispose of the said suit in C.R.P.(MD)No.1069 of 2004 and the said period was already expired. Therefore, the learned counsel for the respondent has conceded that he has not proceed with interlocutory application. He would further submit that the suit itself may be disposed of within the time specified by this Court.

5.In view of the submissions made by both the parties, the Civil Revision Petition is allowed and the trial court is directed to dispose of the suit as directed by this Court in C.R.P.(MD) No.1069 of 2004. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

nbj

To

The Additional District Munsif, Eraniel.

+1CC to Mr.K.N.Thampi, Advocate Sr.No.68473

Gjm/SKS/RR/16.12.16-2p-3C

C.R.P.PD(MD)No.2306 of 2016
14.11.2016