



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) PD No.2308 of 2016
and C.M.P. (MD) No.10629 of 2016

1.Thangaraj
2.Muthusamy

... Petitioners/Petitioners/Plaintiffs
Vs.

1.Sri Muthusamy
2.Natarajan
3.Venkadaraman

... Respondents/Respondents/Defendants

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.10.2016 passed by the learned Principal District Munsif, Dindigul in I.A.No.734 of 2015 in O.S.No.653 of 2015.

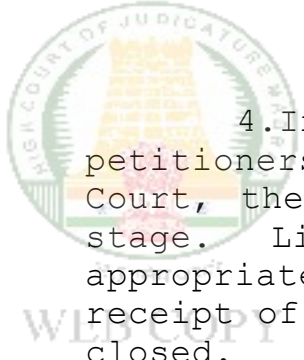
For Petitioner : Mr.K.P.Narayana Kumar

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 06.10.2016 passed by the learned Principal District Munsif, Dindigul in I.A.No.734 of 2015 in O.S.No.653 of 2015.

2.During the course of argument, the learned counsel for the petitioners submitted that the said order passed under Order 39 Rules 1 and 3 C.P.C. is an appealable order before the Appellate Court. The learned counsel for the petitioners would submit that the said order can also be challenged before this Court under Article 227 of the Constitution of India. He further submitted that this Court is having ample power to entertain the civil revision petition under Article 227 of the Constitution of India as no opportunity was given to the revision petitioners to put forth his case before the court below.

3.The said contention made by the learned counsel for the petitioners cannot be accepted for the reason that there is an effective alternative remedy available for the petitioners, the petitioners have to exhaust the said alternative remedy of filing an appeal before the Appellate Court.



4. In the light of the settled proposition of law, the petitioners are having alternative remedy before the Appellate Court, the Civil Revision Petition cannot be entertained at this stage. Liberty is granted to the petitioner to approach the appropriate court, within a period of 2 weeks from the date of receipt of a copy of this order. Consequently, connected C.M.P. is closed.

Sd/-
Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif, Dindigul.

Copy to: The Section Officer,
ER (Civil) Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.K.P.Narayanakumar, Advocate SR.No.68736

nbg

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C.R.P. (MD) No.2308 of 2016