

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2017

CORAM:

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.847 of 2017
and CMP.No.4178 of 2017

1.Kailasam @ Kandasamy
2.Kalaichelvan
3.Maapillai @ Sengodan
4.Vijayan @ Vijayakumar

.. Petitioners

Vs.

1.Selvaraj
2.Sekar
3.Trichikarar @ Ganesan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 10.01.2017 made in I.A.No.572 of 2016 in O.S.No.85 of 2016 on the file of the Principal District Munsif Court, Namakkal.

For Petitioners : Mr.T.Dhanyakumar

ORDER

This Civil Revision Petition has been filed to set aside the docket order dated 10.01.2017 made in I.A.No.572 of 2016 in O.S.No.85 of 2016 on the file of the Principal District Munsif Court, Namakkal.

2. The case of the petitioners is that they have originally filed an application in I.A.No.572 of 2016 in O.S.No.85 of 2016 before the Principal District Munsif Court, Namakkal. under Order I Rule 10 CPC to implead them as proposed parties. The said application was dismissed for default by the trial Court vide order dated 10.01.2017, which reads as follows :

"Further proceedings.

Produce the C.R.P. Number.

Petitioner No.1 present and also respondent/plaintiff present.

Respondent/Defendant not present. The petitioner filed adjournment petition and dismissed with order.

C.R.P.No. not given. The petitioner not ready for enquiry for a long period. Hence petition dismissed.

No costs."

3. Against the said order of dismissal dated 10.01.2017, the petitioners are before this Court in the present civil revision petition to restore the same to file.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. It is seen that the petitioners have filed another application before the trial Court challenging the said order of dismissal and the same is pending on file before the trial Court.

6. In view of the above, this Court is of the view that since the petitioners had already filed an application before the trial Court to restore the said order of dismissal dated 10.01.2017, the present civil revision petition before this Court seeking same relief is not maintainable.

7. Hence, this Civil Revision Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2017

Speaking order / Non-speaking order
Index : Yes

ds

To:
The Additional District Munsif Court,
Alandur.

V.M.VELUMANI, J.

ds

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