



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

CMP(MD)No.11715 of 2016

in

Rev.Aplc(MD)No.SR45909 of 2016

1.Muthu Iyer
2.Harihara Mahadevan
3.Ramasubramanian : Petitioners/Review Petitioners

-vs-

1.P.T.Kottai Manikandan
2.Arulmigu Subramania Swami Thirukovil,
Rep. through its
Executive Officer/Joint Commissioner,
having office at
Arulmigu Subramania Swami Thirukovil,
Tiruchendur,
Tuticorin District.

3.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Board,
Commissioner Office,
Nungambakkam, Chennai. : Respondents/Respondents

Prayer: Petition filed under section 5 of the Limitation Act to condone the delay of 55 days in filing the main Review Application in Review S.R.No.45909 of 2016 against the judgment, dated 31.08.2016 passed in CRP(MD)No.1699 of 2016.

Prayer in CRP(MD) . 1699/ 2016 :

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Subordinate court, Thoothukudi to dispose the suit O.S.No.371 of 2012, on the file of Subordinate Court, Thoothukudi within the time span.

For Petitioners :Mr.V.Meenakshisundaram

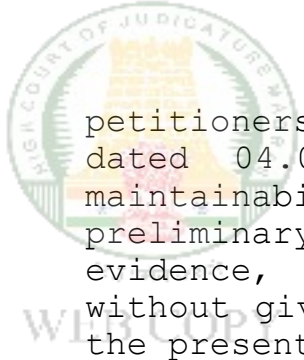
O R D E R

This application is filed to condone the delay of 55 days in filing the Review Application in Rev.Aplc(MD)No.SR.45909 of 2016 against the order, dated 31.08.2016 passed in CRP(MD)No.1699 of 2016.

2.This court, by order, dated 31.08.2016 directed the Sub Court, Tuticorin, to dispose of the suit in O.S.No.371 of 2012 as expeditiously as possible, preferably on or before 31.12.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Mr.V.Meenakshisundaram, learned counsel for the review



petitioners would submit that this court in CRP(MD)No.381 of 2014, dated 04.07.2014 directed to the trial court to decide the maintainability of the suit as preliminary issue and when the preliminary issue was framed and the parties were about to give evidence, an order in CRP(MD)No.1699 of 2016 came to be passed without giving opportunity to the review petitioners herein, hence, the present petition.

4.It is seen from the records that the review petitioners are the plaintiffs in the suit O.S.No.371 of 2012 and the maintainability of the suit was raised by the defendants in the suit. In my considered view, when the defendants are ready to go along with the suit, the preliminary issue can also be decided along with the main issue.

5.It is submitted by the learned counsel for the review petitioners that the suit in O.S.No.371 of 2012 was originally pending before the Sub Court, Tuticirion and on jurisdiction point, it is now transferred to Sub Court, Tiruchendur and renumbered as O.S.No.123 of 2017. Hence, the Sub Court, Tiruchendur, is directed to dispose of the suit O.S.No.123 of 2017 as per the earlier direction issued by this court and try the preliminary issue along with the main issue.

6.With the above observation, this application is dismissed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

TO

1.Arulmigu Subramania Swami Thirukovil,
Rep. through its Executive Officer/Joint Commissioner,
having office at Arulmigu Subramania Swami Thirukovil,
Tiruchendur, Tuticorin District.

2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Board,
Commissioner Office,
Nungambakkam, Chennai.

COPY TO: The Subordinate Judge,
Tiruchendur.

+1cc to Mr.D.NALLATHAMBI Advocate in SR. NO.69919

ER

JS/MR.KKR/SAR.2/31.08.2017/2P-5C

CMP(MD).11715 of 2016