



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.10.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) .Nos.152 and 153 of 2014
and
M.P. (MD) .No.1 of 2014 in C.R.P.No.153 of 2014

Savaribai ... Petitioner in both C.R.Ps.

Vs.

1. Rajabai
2. Annammal (died)
3. Maria Thangam
4. A.Yesudhas
5. A.Varuvel
6. A.Rabel
7. A.Meyyal
8. Rosal
9. Ronickam
10. Marial
11. Maria Thangam

(The suit against R3 was dismissed
on 15.09.2009 and hence notice to R3
may be dispensed with)
(Respondents 4 to 11 are given up)

Cause title accepted vide order dated
17.01.2014 in M.P. (MD) .Nos.2 and 3 of 2013
by NKKJ.

... Respondents in both C.R.Ps.

PRAYER: The Civil Revision Petitions are filed under Article 227 of the Constitution of India against the order passed in I.A.Nos.78 of 2013 and 273 of 2012 in O.S.No.215 of 2012, dated 04.04.2013 on the file of the District Munsif cum Judicial Magistrate, Boothapandy.

For Petitioner	: Mr.C.Godwin
For R1	: Mr.R.Murugan
For R2	: Died
For R4 to 11	: Given up

C O M M O N O R D E R

These Civil Revision Petitions have been filed against the order passed by the learned District Munsif cum Judicial Magistrate, Boothapandy in I.A.Nos.78 of 2013 and 273 of 2012 in O.S.No.215 of 2012, dated 04.04.2013.



2. The legal representative of the first defendant has come forward to file these Revision Petitions stating that without giving notice to the LRs. of the first defendant, the petition in I.A.No.78 of 2013 for impleading the LRs. of the first defendant and the petition in I.A.No.273 of 2012 to permit the petitioner/power of attorney holder to conduct the case representing the plaintiff have been allowed.

3. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

4. The only contention raised by the learned counsel for the petitioner is that before issuing notice to the legal-heirs of the first defendant, they were impleaded as defendants and the petition to conduct the suit through power of attorney was allowed. It is only a procedural lapse which will not affect the case of the defendants. The defendants also appeared through their counsel.

5. In such view of the matter, this Court is of the view that there is no need to interfere with the order passed by the learned District Munsif cum Judicial Magistrate, Boothapandy in I.A.Nos.78 of 2013 and 273 of 2012, dated 04.04.2013. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Boothapandy.

+ 1 CC TO MR.R.Murugan, ADVOCATE IN SR No.82869

+ 1 CC TO MR.C.Godwin, ADVOCATE IN SR No.82831

+ 1 CC TO MR.R.Murugan, ADVOCATE IN SR No.82868

+ 1 CC TO MR.C.Godwin, ADVOCATE IN SR No.82830

akv

MK/KK/SAR-4/07.11.2017/2P/6C

C.R.P. (MD) .Nos.152 and 153 of 2014

13.10.2017