



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2017

CORAM:

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THE HONOURABLE Mrs.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) .No.1608 of 2014
and
M.P (MD) No.2 of 2014

Baghyarathnam

... Petitioner

Vs.

Balu (died)

1. Kovil Samynathan (Died)
2. Arunakili
3. Muthuselvi
4. Rajamani
5. Anburaj
6. Pavul Raj
7. Emmi Selvi

... Respondents

Respondents 2 to 7 are brought on record
as LRs of the deceased sole respondent
vide Court order dated 09.12.2016 made in
M.P.No.1 of 2015 in C.R.P.No.1608 of 2014 by
VMVJ.

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the petition order dated 02.07.2014 made in I.A.No.355 of 2014 in O.S.No.20 of 2008 on the file of the Additional District Munsif Court, Ambasamudram.

For Petitioner	: Mr.A.Arumugam for M/s. Ajmal Associates
For R1	: Died
For R2 to R7	: Mrs.Chamundi Bose

O R D E R

The Civil Revision Petition has been filed against the order passed by the learned Additional District Munsif, Ambasamudram in I.A.No.355 of 2014 in O.S.No.20 of 2008 dated 02.07.2014.

2. The petitioner has filed a petition in I.A.No.355 of 2014 before the learned Additional District Munsif, Ambasamudram for receiving additional documents. But the same was dismissed by the learned Judge on the ground that no notice was served on the other side.



3. The learned counsel for the petitioner would submit that admittedly, a memo was served on the counsel and the counsel for the respondent had appeared before the Court and endorsed that no such notice of hearing was served on him.

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4. According to the learned counsel for the petitioner, the memo was served on the junior of the counsel for the respondent and the respondent was very well before the Court.

5. The petitioner has served notice on the junior counsel and having knowledge about the service of notice, the counsel has appeared before the Court. Since the counsel for the respondent appeared before the Court, the learned Judge ought not to have taken an adverse view. Therefore, this Court is inclined to interfere with the order passed by the learned Additional District Munsif, Ambasamudram. Accordingly, the order passed by the learned Additional District Munsif, Ambasamudram in I.A.No.355 of 2014, dated 02.07.2014 is set aside and the matter is remanded back to the Additional District Munsif Court, Ambasamudram to be heard afresh.

6. The Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Munsif,
Ambasamudram.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.ARUMUGAM, ADVOCATE IN SR No. 83868
+ 1 CC TO Mrs.CHAMUNDI BOSE, ADVOCATE IN SR No. 83401

AKV

TE/JC/SAR-I : 13/11/2017 : 2P/5C

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M.P (MD) No.2 of 2014
24.10.2017