



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.10 of 2017 (PD)

&

C.M.P. (MD) No.29 of 2017

C.Sundar Raj

.. Petitioner

Vs.

1.A.Natesan

2.The Village Administrative Officer,
Killiyoor Village, Vilavancode Taluk,
Kanyakumari District.

3.The Tahsildar, Vilavancode Taluk,
Kuzhithurai Post, Kanyakumari District.

4.The District Collector,
K.P. Road, Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

.. Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the order dated 03.11.2016 made in I.A.No.619 of 2016 in O.S.No.87 of 2011 on the file of the Subordinate Court, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.G.Ramanathan

ORDER

This Civil Revision Petition is filed to set aside the order dated 03.11.2016 made in I.A.No.619 of 2016 in O.S.No.87 of 2011 on the file of the Subordinate Court, Kuzhithurai, Kanyakumari District.

2. The petitioner is the plaintiff and the first respondent herein is the defendant in the suit in O.S.No.87 of 2011 on the file of Subordinate Court, Kuzhithurai, Kanyakumari District. The petitioner filed the suit for demarcation and injunction. During trial, the petitioner filed I.A.No.619 of 2016, for impleading. The learned Subordinate Judge rejected the said application for impleading on the ground that the petitioner has given flimsy reason for impleading.

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

3. Against the said order of rejection dated 03.11.2016, the

petitioner has come out with the present Civil Revision Petition.

4. The learned counsel for the petitioner submitted that the learned Subordinate Judge has not given any reason for rejecting the application filed by the petitioner. The learned Subordinate Judge has also not considered the reason given by the petitioner.

5. I have heard the learned counsel for the petitioner and perused the materials available on record.

6. From the docket order, it is seen that the learned Subordinate Judge has rejected the application filed by the petitioner stating that the reason given by him is flimsy for impleading the proposed party. As rightly contended by the learned counsel for the petitioner, it is seen from the order, the learned Subordinate Judge has rejected the application without deciding the application on merits. In the circumstances, the order of the learned Subordinate Judge, dated 03.11.2016, is set aside and the learned Subordinate Judge is directed to take the application on file and hear the parties and decide the application on merits and in accordance with law.

7. In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

smn2

To

1.The Subordinate Judge, Kuzhithurai,
Kanyakumari District.

2.The Village Administrative Officer,
Killiyoor Village, Vilavancode Taluk,
Kanyakumari District.

3.The Tahsildar, Vilavancode Taluk,
Kuzhithurai Post, Kanyakumari District.

4.The District Collector, K.P. Road,
Nagercoil, Agasteeswaram Taluk,
Kanyakumari District.

+1CC to Mr.G.Ramanathan, Advocate Sr.No.917

GJM/BS/MR/6.2.17-3p-6c

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