



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) No.1618 of 2017 (PD)
and
C.M.P (MD) .No.9139 of 2017

1.Kanniappan

2.Saravanan

3.Jeyamurugan

... Petitioners/ Petitioners/ 3rd Parties/
3rd Parties

Vs

1.M.Damodaran

2.M.Radhakrishnan

3.M.Irulan

4.T.Suriyaja

5.L.Shanmigakani

6.G.Thavakani

7.Shanmugasundari

... Respondent Nos.1 to 7 /
Respondent Nos.1 to 7/ Petitioners/ Plaintiffs

8.R.Alagumuthu

9.S.Thillairajan

10.S.Esakkaiammal

11.S.Thangamuthu

12.Ramasamy

13.M.Tharmapaul

14.T.Jeyapani

... Respondent Nos.8 to 14 /
Respondent Nos.8 to 14 / Respondents/
Defendants



29.08.2017 made in (Unnumbered) E.A.No. Of 2016 in E.P.No.270 of 2004 in O.S.No.436 of 1999 on the file of District Munsif Court, Tuticorin and direct the Court below to number the same and decide the matter after full pledged enquiry.

For Appellants

: Mr.A.Arumugam

For R1 to R7

: Mr.MP.Senthil

For R8 to R14

:No appearance

O R D E R

This petition has been filed by the petitioners to set aside the docket order dated 29.08.2017 made in (Unnumbered) E.A.No. Of 2016 in E.P.No.270 of 2004 in O.S.No.436 of 1999 on the file of District Munsif Court, Tuticorin and direct the Court below to number the same and decide the matter after full pledged enquiry.

2.When the matter is taken up for hearing today, the learned counsel for the respondents 1 to 7 would submit that the respondents 1 to 7 do not have any objection for numbering the petition. However, he wanted an early disposal of the above said application.

4.Considering the facts and circumstances of the case, the docket order passed by the learned District Munsif Court, Tuticorin, in (Unnumbered) E.A.No. Of 2016 in E.P.No.270 of 2004 in O.S.No.436 of 1999 is set aside and the learned Judge is directed to number the application in unnumbered E.A.No. Of 2016 and dispose the same within a period of two months from the date of receipt of a copy of this order.

5.This Civil Revision Petition is allowed as indicated above. Consequently, the connected miscellaneous petition is closed.

Sd/-

29.11.2017

This matter has been listed today, under the caption 'for being mentioned', at the instance of the learned counsel for the petitioners.

2. The learned Counsel for the petitioner would submit that this Court by an order dated 29.11.2017, has allowed the civil revision petition in C.R.P.(MD)No.1618 of 2017, with a direction to the learned District Munsif, Tuticorin to number the unnumbered E.A.No.-- of 2016 and to dispose of the same within a period of two months from the date of receipt of a copy of this order. He would further submit that for re-presenting the unnumbered papers before the Court below, he prays this Court to the return the original impugned documents.



3. In view of the same, Registry is directed to return the original impugned documents to the petitioners, forthwith, so as to enable the petitioners to present the same before the District Munsif Court, Tuticorin. On receipt of the same, the petitioners shall represent the petition before the learned District Munsif, Tuticorin, within a period of one week from the date of receipt of the impugned documents. Thereafter, the learned District Munsif, Tuticorin shall number the unnumbered E.A.No.-- of 2016 and dispose of the same, within a further period of two months.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

(*) TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 22.01.2018

To

The District Munsif Court,
Tuticorin.

**COPY TO:- THE SECTION OFFICER, (2 COPIES)
E.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI**

+One cc to Mr.A.Arumugam, Advocate, SR.No.90595

+One cc to Mr.M.P.Senthil, Advocate, SR.No.90360

+One cc to M/s.Ajmal Associates, Advocate, SR.No.46314

rmk/dss

RL/7C/3P/JC/SAR1/22/1/2018

RL/7C/KKR/SAR4/27/2/2018

C.R.P (MD) No.1618 of 2017 (PD)
and

C.M.P (MD) .No.9139 of 2017



WEB COPY

29.11.2017