



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.75 of 2017 (NPD) and
C.M.P(MD)No.280 of 2017

1.K.Ganesan
2.K.Dhanabalan

... Revision Petitioners/
Respondents/Defendants

Vs.

Ramarathin Ammal (Died)

... Petitioner/Plaintiff

M.Ramalakshmi

... Respondent/Petitioner/
Legal Heir of Plaintiff

PRAYER: Civil Revision Petition is filed, under Section 115 of Civil Procedure Code, to call for the records relating to the order and Decreeal Order, dated 14.12.2016 in E.P.No.47 of 2014 in O.S.No.295 of 1987 on the file of the District Munsif, Sivagangai and set aside the same.

For Petitioner	: Mr.VR.Shanmuganathan
For Caveator/ Respondent	: Mr.S.Natarajan

ORDER

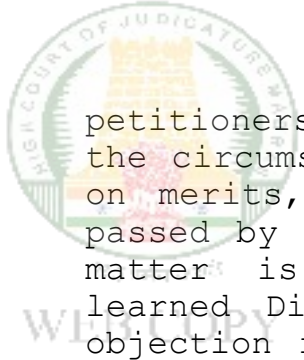
The petitioner has filed the Civil Revision Petition to set aside the order and Decreeal Order, dated 14.12.2016 in E.P.No.47 of 2014 in O.S.No.295 of 1987 passed by the learned District Munsif, Sivagangai.

2.The learned counsel for the petitioner submitted that the petitioner has filed the Civil Revision Petition against the order passed in E.P.No.47 of 2014 for delivery of possession. In the E.P., he entered appearance through Advocate and filed his objection. Without considering the objection filed by the petitioner, the learned Judge has ordered delivery by non-speaking order.

3.The learned counsel appearing for the respondent submitted that the petitioner is not contesting the E.P. Only at the instigation of others, the petitioner has filed objection.

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

4.It is clear from the reading of the impugned order, the learned Judge has not considered the objection filed by the



petitioners and has not given any reason for rejecting the same. In the circumstances, without deciding the issue raised in the C.R.P., on merits, the Civil Revision Petition is allowed and the order passed by the learned Judge in E.P.No.47 of 2014 is set aside and matter is remitted to the learned District Munsif, Sivagangai. The learned District Munsif, Sivagangai is directed to consider the objection filed by the petitioner and pass orders on merits and in accordance with law in the E.P.No.47 of 2014, after giving opportunity to both petitioner and respondent, as expeditiously as possible, in any event, not later than 30th April, 2017.

5.In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Sivagangai.

+ 1 CC TO Mr.VR.SHANMUGANATHAN, ADVOCATE IN SR No. 10972
+ 1 CC TO Mr.S.NATARAJAN, ADVOCATE IN SR No. 10913

AM/MR
TE/SKN-RSK : 28/03/2017 : 2P/4C

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