



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANICRP (MD).Nos.2576 and 2577 of 2016 andCMP(MD).No.12159 of 2016 in CRP(MD).No.2576 of 2016 andCMP(MD).No.12160 of 2016 in CMP(MD).No.2577 of 2016

B.K. Shridhar : Petitioner/15th Respondent/
15th Respondent in both CRPs
Vs.

1. The Cardmom Planters Association,
rep. by its President,
S.V. Subramanian ..1st Respondent/Petitioner/Plaintiff
2. S. Gunasekaran
3. A. Inayath Ussainkhan
4. V. Ganesan
5. N. Parameswaran
6. T.R.R. Thirupathi Vasagam
- 7.R. Jayabalan
- 8.B. Jeyaram
- 9.R. Mahendran
- 10.M. Arumugam @ Sampath
- 11.M.G. Ashokkumar
- 12.T. Selvaraj
- 13.T. Ramakrishnan
- 14.L.Ramaraj
- 15.S. Pasupathi Ramkumar ..Respondent 2 to 15/Respondent 1 to 14/
defendant 1 to 14
- 16.R. Anguvel
- 17.Sivakumar
- 18.N.B.R. Devanathan
- 19.S. Dhaanitharan
- 20.G. Prabakaran
- 21.M.Deepak : Respondents 16 to 21/Respondent 16 to 21/
Defendant 16 to 21 in CRP.2576 of 2016

(no relief is sought for as against the respondent nos.2 to 21 and therefore, no notice is required to be issued for respondents 2 to 21)

1. The Cardmom Planters Association,
rep. by its Secretary and Correspondent
..1st Respondent/Petitioner/Plaintiff

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

..2nd Respondent/1st Respondent/1st Defendant

- 3.S. Gunasekaran ..3rd Respondent/2nd Respondent/2nd Defendant



4.K.Venugopal
5.T.Selvaraj
6.K.Sivakumar
7.A. Inayath Ussainkhan
8.S.Pasupathi Ramkumar
9.T. Rengaraj

..4 to 9th Respondents/4 to 9th Respondent
in CRP2577/2016

(no relief is sought for as against the respondent nos.2 to 9 and therefore, no notice is required to be issued for respondents 2 to 9)

Prayer in both CRPs: These Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the Docket orders dated 29.11.2016 passed in I.A.Nos.391 and 392 2016 in O.S.Nos.75 and 76 of 2016 respectively on the file of the District Munsif Court cum Judicial Magistrate, Bodinayakkanur.

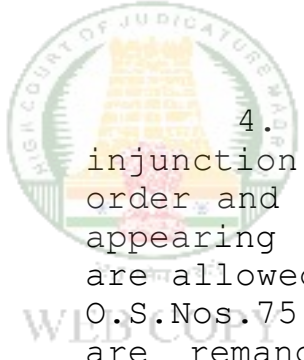
For Petitioner	: Mr.Ajmalkhan, Senior counsel for M/s. Ajmal Associates
For Respondents	: Mr. Isaac Mohanlal, Senior counsel for M/s. B. Pandiaraj

COMMON ORDER

These Civil Revision Petitions are filed to set aside the Docket order dated 29.11.2016 passed in I.A.Nos.391 and 392 2016 in O.S.Nos.75 and 76 of 2016 respectively on the file of the District Munsif Court cum Judicial Magistrate, Bodinayakkanur.

2. The learned Senior Counsel appearing for the petitioner submitted the learned Judge granted injunction without recording any reason. The order granting injunction is not a speaking order. He further submitted that already the petitioner filed Transfer OP.Nos.15 and 16 of 2016 on the file of the learned Principal District Judge, Theni to transfer the O.S.Nos.75 and 76 of 2016 respectively from the file of the District Munsif Court cum Judicial Magistrate, Bodinayakkanur to Sub Court Theni. By the order dated 22.11.2016, the learned Principal District Judge, called for the records from the file of the District Munsif Court cum Judicial Magistrate, Bodinayakkanur.

3. The learned Counsel appearing for the respondents submitted that the respondents have no objection to allow these Civil Revision Petitions and he submitted that orders passed on 29.11.2016 in I.A.Nos.391 and 392 2016 in O.S.Nos.75 and 76 of 2016 respectively by the District Munsif, Bodinayakkanur may be set aside and remand the matter back to the District Munsif to decide the applications on merits and pass orders in accordance with the law giving opportunity to the petitioner.



4. In view of the fact that the learned Judge has granted injunction without recording any reason and not passing a speaking order and in view of the no objection made by the learned Counsel appearing for the respondents both the Civil Revision Petitions are allowed and the orders passed in I.A.Nos.391 and 392 2016 in O.S.Nos.75 and 76 of 2016 are set aside and both the applications are remanded back to the District Munsif, Bodinayakkanur, to decide the applications on merits and pass orders in accordance with law. The learned District Munsif, Bodinayakkanur is directed to dispose the applications as expeditiously as possible in any event not later than 28th February 2017. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The District Munsif Court cum Judicial Magistrate,
Bodinayakkanur.

+2cc to M/s C.Ganesh Kumar, Advocate, sr no 360, 361

+2cc to m/s Ajmal Associates, sr no 374, 375

+2cc to M/s H.Thayumanaswamy, sr no 353, 354

trp

ms/sv/mms/31.01.2017/3p.8c

CRP (MD).Nos.2576 and 2577 of 2016 and
CMP (MD).No.12159 of 2016 in CRP(MD).No.2576 of 2016 and
CMP(MD).No.12160 of 2016 in CMP(MD).No.2577 of 2016
03.01.2017