



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.228 of 2018

and

C.M.P. (MD) No.933 of 2018

1.P.Ponnaiah
2.C.Perumal
3.R.Samuthiram
4.P.Govindan

... Petitioners/Petitioners/
Proposed Plaintiffs

Vs.

1.P.Madasamy
2.The President,
Athikulam Hindu Nadar Uravinmurai,
Athikulam Village,
Srivilliputtur Taluk,
Virudhunagar District.
3.The Secretary,
Athikulam Hindu Nadar Uravinmurai,
Athikulam Village,
Srivilliputtur Taluk,
Virudhunagar District.
4.The District Collector,
Virudhunagar District,
Virudhunagar.
5.The Revenue Divisional Officer,
Srivilliputtur,
Virudhunagar District.

... Respondents 2 to 5/
Respondents 2 to 5/Defendants 1 to 4

PRAYER : Petition filed under Article 227 of Constitution of India, to set aside the fair order and decretal order dated 04.12.2017 passed in I.A.No.888 of 2017 in O.S.No.271 of 2011 on the file of the Additional District Munsif, Srivilliputhur and thereby allow the Civil Revision Petition.



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For petitioners
For R1

: Mr.K.Sudalaiyandi
: No appearance

For R2 and R3

: Mr.A.K.Manickam

For R4 and R5

: Mr.M.Karuppasamy
Government Advocate

ORDER

The first respondent herein filed O.S.No.271 of 2011 on the file of the Additional District Munsif Court, Srivilliputhur, in a representative capacity for certain reliefs. In the said suit, the revision petitioners filed I.A.No.888 of 2017 for substituting themselves as plaintiffs. The allegations made by the revision petitioner is that, the original plaintiff who is the first respondent herein is not diligently conducting the suit. But the Court below has given a finding that no material has been filed in support of the allegation. Only in that view of the matter, the I.A., filed by the revision petitioner came to be dismissed.

2.When this Civil Revision Petition taken up for hearing, the learned counsel appearing for other respondents submitted that similar applications have been now taken out by other members of the community.

3.In my view, since, this is a representative suit, as and when it comes to the notice of the Court below that the original plaintiff is not diligently or properly prosecuting the suit, it is always open to the Court below to substitute him by another appropriate person. As on date, there is no material against the first respondent. Therefore, sustaining the order passed by the Court below, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

4.It is made clear that the dismissal of the Civil Revision Petition will not come in the way of the Court below from appointing another reason to conduct the suit if the occasion arises.

Sd/-

Joint Registrar (Judl)

// True Copy //

Sub Assistant Registrar(CS-I)



To

1. Additional District Munsif,
Srivilliputhur.

+1 CC To MR.A.K.MANICKAM, Advocate SR. NO. 84929
+1 CC To MR.K.SUDALAIYANDI, Advocate SR. NO.84847
+1 CC TO The Special Government Pleader SR.NO.85641

ORDER MADE IN
C.R.P. (PD) (MD) .No.228 of 2018
and
C.M.P. (MD) No.933 of 2018
18.09.2018

PNN
TR/RSK/SAR-I (23.10.2018) 3P 5C