



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:17.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
C.R.P.(MD)No. 2552 of 2015

WEB COPY

1. Thamotharan

2. Kalaivani

.. Petitioners/Plaintiffs

Vs.

1. The Managing Director/General Manager,
Bank of Baroda, C-26, 'G' Block,
Pandra Kurla Complex,
Pandra (East), Mumbai - 400051.

2. Pandiyarajan, the then Manager,
Bank of Baroda, Virudhunagar.

3. Babu

4. The Branch Manager,
Bank of Baroda, No.97,

Katchery Street, Virudhunagar. .. Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 26.10.2015 in S.R.No.3221 of 2015 in Unnumbered O.S.No.--- of 2015, on the file of the learned Principal District Judge at Srivilliputhur, Virudhunagar District and to number the plaint.

For Petitioners : Mr.V. Lakshmanan

For Respondents-1 & 3 : No Appearance.

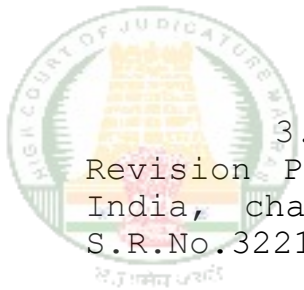
For Respondent-2 : Mr.D. Sadiq Raja

For Respondent-4 : Mr. Pala Ramasamy

ORDER

This Civil Revision Petition has been filed seeking to set aside the order, dated 26.10.2015 in S.R.No.3221 of 2015 in Unnumbered O.S.No.--- of 2015, on the file of the learned Principal District Judge at Srivilliputhur, Virudhunagar District and to number the plaint.

2. The revision petitioners are the plaintiffs and the respondents are the defendants in in S.R.No.3221 of 2015 in Unnumbered O.S.No.--- of 2015, on the file of the learned Principal District Judge at Srivilliputhur, Virudhunagar District. The revision petitioners herein/plaintiffs have filed the above suit claiming compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) from the defendants-1 to 4 and for mandatory injunction to withheld the entire retirement benefits of 2nd defendant who is going to be retired shortly and the trial Court has rejected the plaint. Aggrieved over the same, the revision petitioners have come forward with this Civil Revision Petition.



3. The petitioners/plaintiffs have filed this Civil Revision Petition by invoking Article 227 of the Constitution of India, challenging the order of the rejection of the plaint in S.R.No.3221 of 2015 in Unnumbered O.S.No.--- of 2015.

4. Heard the learned counsel for the petitioners as well as the respondents-2 & 4 and perused the available records.

5. This Court also passed several judgments against the order of the rejection of the plaint. The only remedy is available to the plaintiffs is to approach the appellate forum by way of filing an appeal. In respect the same, this Court passed an order dated 14.06.2018 in C.R.P(MD) No.509 of 2018. The Civil Revision Petition has been filed in the year 2015 itself and the same is pending for more than three years.

6. Therefore, this Civil Revision Petition is disposed of by returning the order passed in S.R.No.3221 of 2015 in Unnumbered O.S.No.--- of 2015 and giving liberty to the petitioners to prefer an appeal before the appeal Forum within a period of one month from the copy of receipt of this order. The appellate Court is directed to not to press the condoned delay application, due to pendency of this Civil Revision Petition which was filed on 23.11.2015 itself. The trial Court is directed to number the appeal, if it is otherwise in order and dispose the same within a period of four months thereafter.

7. The Civil Revision Petition is disposed of accordingly.
No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Principal District Judge,
Virudhunagar District at Srivilliputthur.

Copy To:

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai. **(2 Copies)**

+1CC to Mr.Pala Ramasamy, Advocate, SR.No.73716
+1CC to Mr.V.Lakshmanan, Advocate, SR.No. 73316
+1CC to Mr.D.Sadiq Raja, Advocate, SR.No. 73491

C.R.P. (MD) No. 2552 of 2015
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