



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) Nos.378, 379 and 380 of 2015
and
M.P. (MD) No.1 of 2015

S.Ravichandran

... Petitioner in all the CRPs

Vs.

1.Balasubramanian (died)
2.Saravanan
3.Sellakannu
4.Sangeetha
5.Soundarya

R2 recorded as LR of the deceased R1 and
R3 to R5 brought on record as LR of the deceased R1
vide order dated 17.04.2015 made in M.P(MD).No.2 & 3 of 2015
in CRP(MD) No.378 of 2015 and in M.P(MD).Nos.1&2 of 2015
in CRP(MD) No.379 of 2015 and in M.P(MD).Nos.1&2 of 2015
in CRP(MD) No.380 of 2015 respectively)

... Respondents in all the CRPs

PRAYER in C.R.P. (PD) (MD) No.378 of 2015: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.12.2014 passed in I.A.No.818 of 2014 in O.S.No.2151 of 2005 on the file of the II Additional District Munsif, Tiruchirappalli and allow the present Civil Revision Petition.

PRAYER in C.R.P. (PD) (MD) No.379 of 2015: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.12.2014 passed in I.A.No.819 of 2014 in O.S.No.2151 of 2005 on the file of the II Additional District Munsif, Tiruchirappalli and allow the present Civil Revision Petition.

PRAYER in C.R.P. (PD) (MD) No.380 of 2015: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.12.2014 passed in I.A.No.820 of 2014 in O.S.No.2151 of 2005 on the file of the II Additional District



Munsif, Tiruchirappalli and allow the present Civil Revision Petition.

For Petitioner : M/s.J.Anandhavalli
For R2 to R5 : Mr.R.T.Arunkumar
(in all the CRPs)

WEB COPY

ORDER

These Civil Revision Petitions have been filed to set aside the fair and decreetal orders dated 04.12.2014 passed in I.A.Nos.818, 819 and 820 of 2014 in O.S.No.2151 of 2005 on the file of the II Additional District Munsif, Tiruchirappalli.

2. The petitioner herein has filed a suit in O.S.No.2151 of 2005 before the District Munsif Court, Trichy, for decree of permanent injunction restraining the respondents herein from putting up any construction in the private lane. During the pendency of the suit, an application in I.A.No.818 of 2014 for recalling P.W.1 and I.A.No.819 of 2014 was filed to re-open the suit were filed. In the meantime, a Writ petition was filed by the petitioner before this Court in W.P.(MD)No.5699 of 2013 seeking to survey the property and to fix the boundaries and this Court directed the Revenue Divisional Officer, Trichy to pass orders within a period of four weeks from the date of receipt of that order on 04.09.2014. To mark the order of this Court as a document in the said suit, I.A.No.820 of 2014 is filed.

3. Considering his case, the learned Judge by order dated 04.12.2014 dismissed all the applications on the ground by saying that there is no necessity to re-open the suit and the order of this Court is not a relevant document to mark in the suit. Therefore, considering the nature of the order passed by the learned Judge, this Court is inclined to interfere with the order passed by the II Additional District Munsif, Tiruchirappalli, dated 04.12.2014 in I.A.Nos.818, 819 and 820 of 2014 and pass the following orders:

4. In the result,

(a) All these Civil Revision Petitions are allowed by setting aside the order of the II Additional District Munsif, Tiruchirappalli in I.A.Nos.818, 819 and 820 of 2014 dated 04.12.2014

(b) the II Additional District Munsif, Tiruchirappalli, is directed to mark the order of this Court in W.P.(MD)No.5699 of 2013 dated 04.09.2014, as a document in the suit, on the side of the petitioner and the same should be completed within a period



of two weeks from the date of receipt of a copy of this order.

(c) The learned II Additional District Munsif, Tiruchirappalli, is directed to dispose of the suit within two months thereafter.

(d) No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The II Additional District Munsif,
Tiruchirappalli.

+ 1 CC TO M/s.J.ANANTHAVALLI, ADVOCATE IN SR No. 60387
+ 1 CC TO Mr.R.T.ARIVUKUMAR, ADVOCATE IN SR No. 60577

PNN

TE/JC/SAR-2 : 27/04/2018 : 3P/4C

C.R.P. (PD) (MD) Nos.378, 379 and 380 of 2015
09.04.2018