



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.2323 of 2018

and

C.M.P. (MD) No.10376 of 2018

WEB COPY

1. Karuppannan @ Karuvayan

2. M.Raji

3. M.Jayakodi

4. M.Vittal

5. Aruvagam

... Petitioners/Petitioners/
Respondents/Respondents/Respondents

Vs.

Meyyammal @ Baby Sevugan ... Respondent/Respondent/
Petitioner/Petitioner/ Petitioner

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.26 of 2017 in E.P.No.62 of 2016 in I.A.No.41 of 2014 in T.C.T.P.No.1 of 2002, dated 29.01.2018 by the Special Deputy Collector/Revenue Court, Madurai.

For Petitioners : Mr.I.Velpradeep
For Respondent : Mr.M.Saravanan,
for Mr.R.Subramanian.

ORDER

The Revision petitioners are the cultivating tenants. The landlord filed T.C.T.P.No.1 of 2002. He obtained orders of eviction. To execute the same, he filed E.P.No.62 of 2016. The matter was posted for hearing on 21.04.2017. Thereafter, it was adjourned on 19.05.2017 due to certain reasons. It appears that the matter was advanced for hearing on 12.05.2017 and an adverse order was passed. It was obviously an ex-parte order. To set aside the same, I.A.No.26 of 2017 was filed. The set aside application was filed in time. However, the said application was dismissed. The said order is under challenge in this Civil Revision petition.

2. Heard the learned counsel on either side.

3. It is not in dispute that the case which was adjourned to 19.05.2017 was advanced for hearing on 12.05.2017 without notice to the cultivating tenants/the Revision petitioners herein. Therefore, such an order obviously cannot stand. The Revenue Court ought to have allowed I.A.No.26 of 2017.



4. In this view of the matter, the order impugned in this Civil Revision petition is set aside.

5. The Revenue Court, Madurai, shall take up E.P.No.62 of 2016 on 12.11.2018. It is made clear that no fresh notice to the Revision petitioners will be issued. The learned counsel appearing for the Revision petitioners is mandated to inform the Revision petitioners that E.P.No.62 of 2016 will be taken up for enquiry on 12.11.2018.

6. The learned counsel appearing for the landlord endeavoured to impress upon this Court the utter futility of defence on the part of the cultivating tenants. However, considering the limited scope of this Civil Revision petition, this Court had not gone into the merits of the matter.

7. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Special Deputy Collector/Revenue Court,
Madurai.
2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.I.Velpradeep, Advocate Sr.No.91755
+1cc to Mr.R.Subramanian, Advocate Sr.No.91806

PMU

VB/PM/SAR1/01.11.2018/2P/6C

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