



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

C.R.P (MD) No.1916 of 2017 (PD)
and
C.M.P. (MD) .No.9883 of 2017

1.Samayal
2.A.Palanikumar
3.A.Maharaja
4.A.Kannan
5.A.Sasikumar
6.A.Rakkiah

.. Petitioners /
Respondents / Defendants 1 to 6

Vs.

1.K.Muthupillai

.. 1st respondent /
Petitioner / Plaintiff

2.Meenal

... 2nd respondent /
7th respondent / 7th defendant

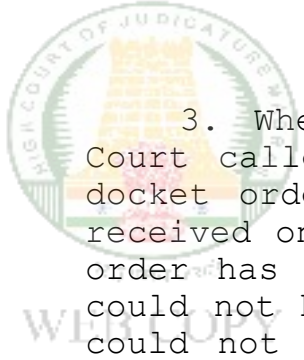
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order, dated 29.11.2016, passed in I.A.No.493 of 2016 in O.S.No.588 of 2013 by the learned II-Additional Subordinate Judge, Madurai and dismiss I.A.No.493 of 2016 in O.S.No.588 of 2013.

For Petitioner	:	Mr.R.A.Mohanram
For 1 st respondent	:	Mr.N.Tamilmani
For 2 nd respondent	:	No appearance

ORDER

This civil revision petition has been filed by the revision petitioners / defendants 1 to 6 challenging the order, dated 29.11.2016, passed in I.A.No.493 of 2016 in O.S.No.588 of 2013 by the learned II-Additional Subordinate Judge, Madurai.

2. The first respondent / plaintiff has filed the suit in O.S.No.588 of 2013 for partition and for bare injunction. During the pendency of the same, the first respondent / plaintiff has filed a petition in I.A.No.493 of 2016 seeking certain amendment in the plaint. After hearing both sides, the Court below has allowed the same by passing a cryptic order. Aggrieved by that order, the revision petitioners / defendants 1 to 6 have filed this civil revision petition.



3. When the matter came up for hearing on 24.01.2018, this Court called for remarks from the Court below with regard to the docket order, dated 29.11.2016, for which an explanation has been received on 01.02.2018 from the learned Judge stating that the said order has been pronounced by his predecessor on 29.11.2016 and he could not be able to find detailed order in the bundle and that he could not understand as to what has been mentioned in the said order.

4. As the impugned order is the cryptic order and no detailed order is available, this Court expressed its view that the matter is liable to be remitted back to the Court below after setting aside the said cryptic order. The learned counsel for the first respondent fairly submitted that he has no objection in remanding the matter to the same Court for fresh consideration.

5. In view of the above, this civil revision petition is allowed and the docket order passed by the Court below, dated 29.11.2016, is set aside and the matter is remitted back to the file of the Court below for fresh consideration and for passing orders on merits and in accordance with law, after hearing both sides, within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

1.The II-Additional Subordinate Judge, Madurai.

COPY TO:

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.R.A.Mohanram, Advocate SR.No. 52562

+1cc to M/S.N.Tamilmani, Advocate SR.No. 52510

order made in
C.R.P (MD) No.1916 of 2017 (PD)
02.03.2018

gcg

JM/KK/SAR 4/20.03.2018/2P/6C

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