



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

C.R.P (MD) No.2449 of 2017 (PD)
and
C.M.P. (MD) .No.11590 of 2017

M.Pitchai Pillai

.. Petitioner /
Petitioner / 1st defendant

Vs.

1.M.Nagarajan
2.S.Venkateswaran
3.S.Kumarasamy
4.S.Sridevi
5.S.Gandhimathi
6.S.Raman
7.S.Hariharan
8.S.Rajalakshmi
9.S.Meenakshi
10.S.Ayyappan
11.S.Saravanan
12.S.Seenivasan
13.S.Nagarathinam
14.S.Kavitha
15.S.Rajeswari
16.S.Anusuya
17.M.Muthukumar
18.N.Banumathi
19.D.Umarani
20.D.Navakumari
21.V.Kasthuri
22.M.Arunachalam

... Respondents 1 to 22 /
Respondents 1 to 22 /
Plaintiffs 1 to 22

23.M.Krishnamoorthy
24.M.Murugan
25.M.Meenakshisundaram
26.S.Revathi
27.S.Janagi
28.S.Navaneetham
29.Indira

30. The State rep. through the

<https://hcservices.eDutis.com/hcservices> District Collector,

Madurai District,

Collectorate, Madurai - 625 020.



31. The Tahsildar,
Vadipatti Taluk,
Taluk Office Building,
Vadipatti,
Madurai District.

... Respondents 23 to 31/
Respondents 23 to 31/
Defendants 2 to 10

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order, dated 24.10.2017, passed in I.A.No.260 of 2017 in O.S.No.91 of 2016 by the learned District Munsif, Vadipatti.

For Petitioner : Mr.M.S.Balasubramania Iyer
For respondents 1 to 22 : Mr.S.Manohar
For Respondents 23 to 29 : No appearance
For respondents 30 & 31 : Mr.K.Anbarasan,
Additional Government Pleader

ORDER

The respondents 1 to 22 / plaintiffs have filed the suit to declare the judgment in O.S.No.223 of 2013 delivered on 23.04.2014 as null as void. The revision petitioner / 1st defendant has filed I.A.No.260 of 2017 seeking to reject the plaint in O.S.No.91 of 2016 and the same was dismissed by the Court below, against which the present civil revision petition filed by the revision petitioner / 1st defendant.

2. After elaborate arguments of both sides, when this Court pointed out that the contentions raised by the revision petitioner / 1st defendant are question of facts and the same can be decided only during the course of trial, the learned counsel for the revision petitioner/1st defendant submitted that he may be permitted to raise all the contentions raised herein before the Court below during the trial and that the suit may be directed to be disposed of within a stipulated time. The learned counsel for the respondents 1 to 22 / plaintiffs fairly conceded to the same. The learned counsel appearing for both sides submitted that both the parties are ready to cooperate with the trial Court for early disposal. The said statement is recorded.

3. In view of the above, this civil revision is dismissed, however, with a direction to the Court below to dispose of the suit in O.S.No.91 of 2016, on merits and in accordance with law, within a period of six months from the date of receipt of copy of



this order. It is open to the the revision petitioner / 1st defendant to raise all the contentions raised herein before the Court below during trial in O.S.No.91 of 2016. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif,
Vadipatti.
2. The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Manohar, Advocate SR.No.56030

GCG

VB/JC/SAR1/03.04.2018/3P/5C

order made in
C.R.P (MD) No.2449 of 2017 (PD)
15.03.2018