



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

C.R.P. (MD) .Nos.2454 & 2455 of 2017 and  
C.M.P. (MD) Nos.11628 & 11629 of 2017

C.R.P. (MD) No.2454 of 2017

1. M/s.Pandian Hospital and  
Medical Research Foundation,  
A Charitable Trust,  
Rep. by its Managing Trustee,  
Dr.A.D.J.Jeyasarathi Pandian,  
14, K.K.Nagar Main Road,  
Madurai - 20.
2. Dr.A.D.J.Jeyasarathi Pandian,
3. J.J.Karthilakshmi
4. Dr.Jeyadharma Pandian
5. M/s.Jawahar Hospital,  
Represented by its Managing Trustee,  
Dr.A.D.K.Jeyasarathy Pandiyan

... Petitioners/  
Respondents 1 to 4 & 8/  
Defendants 1 to 5

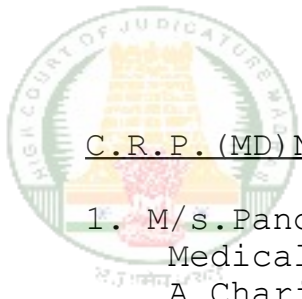
Vs.

1. Nagalakshmi
2. J.Chandraleka
3. B.Ramachandran
4. R.Vijaya
5. Ashokan
6. A.Ramkumar
7. A.Premkumar

... 1<sup>st</sup> respondent/Petitioner/  
Plaintiff

... Respondents 2 to 7/  
Respondents 5 to 7, 9 & 10/  
Defendants 6 to 11

**PRAYER :** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.11.2017 passed in I.A.No.362 of 2017 in O.S.No.85 of 2012 on the file of the I Additional District Court, Madurai and to allow this Civil Revision petition.

C.R.P. (MD) No. 2455 of 2017

1. M/s. Pandian Hospital and  
Medical Research Foundation,  
A Charitable Trust,  
Rep. by its Managing Trustee,  
Dr. A.D.J. Jeyasarathi Pandian,  
14, K.K. Nagar Main Road,  
Madurai - 20.

2. Dr. A.D.J. Jeyasarathi Pandian,

3. J.J. Karthilakshmi

4. Dr. Jeyadharma Pandian

... Petitioners/  
Respondents 1 to 4/  
Defendants 1 to 4

Vs.

1. Ashokan

2. Nagalakshmi

3. A. Ramkumar

4. A. Premkumar

... Respondents 1 to 4/  
Petitioners/Plaintiffs

5. J. Chandraleka

6. B. Ramachandran

7. R. Vijaya

... Respondents 5 to 7/  
Respondents 5 to 7/  
Defendants 5 to 7

**PRAYER :** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.11.2017 passed in I.A.No.363 of 2017 in O.S.No.169 of 2016 on the file of the I Additional District Court, Madurai and to allow this Civil Revision petition.

(in both petitions)

For Petitioners

: Mr. K.V. Subramanian,  
Senior Counsel,  
for Mr. P. Thirumahilmaran.

For R-1

: Mr. Raguvaran Gopalan,  
for Mr. K. Prabakar.

For R-2 to R-4

: Mr. B.N. Rajamohamed

For R-5 to R-7

: No appearance.

**COMMON ORDER**

O.S.No.85 of 2012 and O.S.No.169 of 2016 are pending before the I. Additional District Judge, Madurai. In both these suits, the respective plaintiffs took out Interlocutory applications under Order 16 Rule 6 and 7 of C.P.C. for production of certain documents. The said Interlocutory applications were allowed by the learned trial Judge. Questioning the same, the Civil Revision petitions have been filed.

2. The learned Senior counsel appearing for the Revision petitioners informs this Court that he would be satisfied if the orders impugned in the Civil Revision petitions are set aside and the matter is remitted to the trial Court for fresh consideration.

3. The grievance is that the Revision petitioners were not heard before the orders impugned were passed.

4. The Interlocutory applications were filed on 08.11.2017. The counter affidavits are dated 23.11.2017. One can easily surmise that the counters affidavits were filed only on 24.11.2017. The orders impugned in these Civil Revision petitions were passed on the same date. The learned Senior counsel states that he has been appearing in the matter before the Court below and a request was also made to adjourn the proceedings so as to facilitate his appearance in the matter. But then, the Court below without granting time has chosen to pass orders. Since this Court is able to note that the orders impugned were passed on the same date, when the counter affidavits were filed and since a specific submission is made that the Revision petitioners did not have the opportunity to advance their objections, I am of the view that the orders impugned in these Civil Revision petitions deserve to be set aside and accordingly, the same are set aside.

5. The Civil Revision petitions stand allowed, accordingly. The matter is remitted to the Court below for disposing the Interlocutory applications afresh in accordance with law. The learned I Additional District Judge, Madurai, shall dispose of I.A.No.362 of 2017 in O.S.No.85 of 2012 and I.A.No.363 of 2017 in O.S.No.169 of 2016 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS II)

/True Copy/



To

1. The I Additional District Judge,  
Madurai.

2. The Record Keeper, V.R. Section,  
Madurai Bench of Madras High Court, Madurai.

2cc 'S to MR. K. PRABHAKAR, ADVOCATE SR 91996 AND 91995  
2CC 'S TO MR. P. THIRUMAHILMARAN, ADVOCATS SR 92179 92180

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C.R.P. (MD) .Nos.2454 & 2455 of 2017 and  
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