



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (NPD) (MD) .No.2354 of 2018

and

C.M.P (MD.No.10480 of 2018

Arivalagan

... Petitioner

Vs.

Duraisamy

... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India, to set aside the impugned order of rejection on 18.07.2018 passed in unnumbered I.A.No. of 2018 in A.S.No.9 of 2017 by the Additional District and Sessions Court, Periyakulam, Theni District and consequently to direct the learned Judge to number the IA filed by the petitioner and take on file.

For Petitioner : Mr.B.Jeyakumar

For Respondent : Mr.V.George Raja
for M/s.Ajmal Associates

ORDER

The revision petitioner herein is the appellant in A.S.No.9 of 2017 on the file of the Additional District Court, Periyakulam. He filed an application under Order 41 Rule 27 CPC., for adducing additional evidence. The said Interlocutory Application was not even numbered. The ostensible reason appears to be that this Court had given a direction for speedy disposal of the first appeal. But the direction to dispose of the first appeal cannot takeaway the right of the party to file an appropriate application. Therefore, the order impugned in this Civil Revision Petition is set aside and the Civil Revision Petition is allowed. The First Appellate Court is directed to number the Interlocutory Application and taken up the same along with the appeal.

2. The direction for speedy disposal already given is reiterated.



3. The learned counsel appearing for the revision petitioner undertakes the appellant would extend his utmost co-operation for the speedy disposal of the appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Additional District and Sessions Judge,
Periyakulam, Theni District.

+1 CC To MR.B.JAYA KUMAR, Advocate SR. NO.92157

+1 CC To MR.AJMAL ASSO., Advocate SR. NO. 91824

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RMK

TR/SKN/SAR-III (30.10.2018) 2P 4C