



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1323 of 2018

and

C.M.P. (MD) No.5623 of 2018

1.Chinnakaruppmal
2.Ganesan
3.Muthanachi
4.Murugesan
5.Jayalakshmi
6.Alagumani

... Petitioners / Petitioners /
Defendants 12 to 17

/Vs./

1.Veeranan
2.Maruthan
3.Lakshmi
4.Angammal
5.Rathinam
6.Ramasamy
7.Palanimurugan
8.Saravanan
9.Maruthayee
10.Ayyanar
11.Subbulakshmi
12.Kannammal
13.Natchi
14.Alagu
15.Natchan

...Respondents 1 to 4/Respondents 1 to 4
/ Plaintiffs

...Respondents 5 to 15/ Respondents 5 to 15
/ Defendants 1 to 11

Prayer: Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.02.2018 passed in I.A.No.876 of 2017 in O.S.No.193 of 2014 on the file of the District Munsif Court, Virudhunagar by allowing this Civil Revision Petition.



For R-1 to R-4, R-6, R-12 to R-15 : Mr.M.Jothi Basu
For R-5 : No appearance
For R-7 to R-9 : Insufficient Address
For R-10 & R-11 : Refused.

ORDER

The revision petitioners are the contesting defendants in O.S.No.193 of 2014 on the file of the District Munsif Court, Virudhunagar. The suit was filed for partition, separate possession and other reliefs. The revision petitioners had taken a stand that the property originally belonged to one Ramasamy Moopar and he sold the same in favour of the revision petitioners' grand father on 25.07.1960. However, the revision petitioners had not delineated in detail as to how the property can be said to be the ancestral property of Ramasamy Moopar. This aspect of the matter is said to be brought out in the additional written statement. However, the fact remains that the revision petitioners had filed a petition under Order 8 Rule 9 CPC only after the cross-examination of the plaintiff side witnesses was closed. The revision petitioners did not even cross examine the plaintiff witnesses.

2. Taking note of the belated approach on the part of the contesting defendants, the Court below had dismissed I.A.No.876 of 2017 filed by the revision petitioners. The approach of the Court



see that whether substantial justice is rendered. The revision petitioners are not taking any inconsistent stand. In fact, they only want to elaborate the stand that had already been taken in the original written statement. Therefore, the order dismissing I.A.No.876 of 2017 in O.S.No.193 of 2014 on the file of the District Munsif Court, Virudhunagar is set aside and I.A.No.876 of 2017 in O.S.No.193 of 2014 on the file of the District Munsif Court, Virudhunagar is allowed. Accordingly, the Civil Revision Petition is allowed.

3.Of course, the plaintiffs will be at liberty to file their reply statement and also adduce further evidence. Both the parties will have to be given equal opportunity. It is seen that the suit is of the year 2014. Therefore, the entire suit proceedings can be concluded within a period of six months from the date of receipt of a copy of this order.

4. With the above directions, this Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

sm

To



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

+1cc to Mr.M.Kannan, Advocate SR No.78203

+1cc to Mr.G.M.Law office, SR No.78194

C.R.P. (MD) No.1323 of 201

NM/SKN/SAR 3/12.09.18/4P/6C