



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.2225 of 2016 (PD)

and

CMP (MD)No.10307 of 2016

K.Chellathai

...Petitioner/Respondent/Plaintiff

Vs.

Shanmugavel (died)

1.Ayyammal

Renganayagi (died)

2.Amlu

3.Renjith

4.Renjis

5.Remya

...Respondents/Petitioner 2 to 5/
Defendants

6.Jeyalakshmi

...Respondent/Defendant

(Respondents 2 to 5 only
filed I.A No.50 of 2016 in
O.S No.59 of 2009)

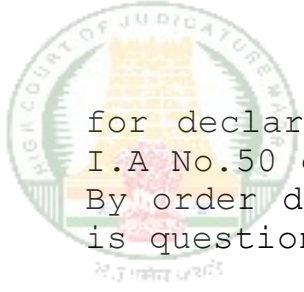
Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 21.03.2016 passed in I.A No.50 of 2016 in O.S No.59 of 2009 on the file of the District Munsif, Sattur.

For Petitioner : Mr.A.Sivaji

For Respondents: No appearance

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
O.S No.59 of 2009 on the file of the learned District Munsif, Sattur was filed by the revision petitioner herein. It is a suit



for declaration and permanent injunction. The defendants filed I.A No.50 of 2016 for re-opening the case and for recall of PW.1. By order dated 21.03.2016, the I.A was allowed. The said order is questioned in this Civil Revision Petition.

2. Heard the learned counsel for the revision petitioner. Though the names of the contesting respondents are printed in the cause list, they have not chosen to enter appearance either in person or through counsel.

3. It is seen that the reason for filing I.A No.50 of 2016 is said to be the amendment made to the plaint. Actually, the amendment of the plaint was only a formal one. The LRs of one of the defendants were brought on record. The amendment did not call for any response. Citing it as a reason, an application for reopen and recall was filed. Even without considering the objections raised by the revision petitioner, the same has been allowed. In this view of the matter, the order impugned in this civil revision petition is set aside and this civil revision petition is allowed. Taking into account the age of the suit, the court below is directed to conclude the same within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-I)

To

The District Munsif, Sattur.

+ 1 CC TO MR.A.SIVAJI, ADVOCATE IN SR NO.79618

SKM

BU/RP/SAR-1 : 01.11.2018 : 2P/3C

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