



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) (PD) No. 2345 and 2346 of 2016
and
C.M.P. (MD) Nos. 10816 and 10817 of 2016

M.G. Srinivasan	... Petitioner / Petitioner in C.R.P. (MD) No. 2345 of 2016
S. Prem	... Petitioner / Petitioner in C.R.P. (MD) No. 2346 of 2016

/Vs./

1. Pangajavalli	
2. Ravikumar	
3. Deepalakshmi	... Respondents / Respondents (in both petitions)

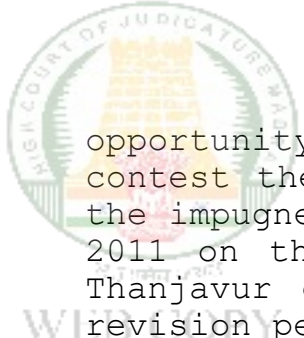
Common Prayer: Civil Revision Petitions - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.07.2016 made in I.A.No.39, 40 of 2016 in O.S.No.12 of 2011 on the file of the First Additional District Judge (PCR), Thanjavur, and to allow the above civil revision petitions.

For Petitioners	: Mr.M.Vijayarathinam
For R-1	: Mr.M.P.Senthil (in both petitions)

COMMON ORDER

Two of the defendants in O.S.No.12 of 2011 on the file of the PDJ, Tanjore are the revision petitioners herein. The suit is for partition and separate possession. The revision petitioners herein remained exparte and they were set exparte. Since there are other defendants in the suit, the suit was otherwise proceeding. Interlocutory Applications were filed by the revision petitioners herein for setting aside the order by which they were set exparte. The Court below dismissed I.A.No.39 and 40 of 2016 in O.S.No.12 of 2011 on the file of the First Additional District Judge (PCR), Thanjavur, on 12.07.2016. Questioning the same, the civil revision petitions have been filed.

2. I am of the view that since the petitioners have filed the Interlocutory Applications before passing of the exparte decree and since there are other defendants contesting the suit, an



opportunity ought to be given to the revision petitioners to contest the suit proceedings independently. In view of the same, the impugned order passed in I.A.No.39, 40 of 2016 in O.S.No.12 of 2011 on the file of the First Additional District Judge (PCR), Thanjavur dated 12.07.2016 is set aside. Accordingly, the civil revision petitions are allowed.

3. The suit is of the year 2011 and the first plaintiff is aged about 67 years, a senior citizen. Therefore, the Court below is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. The compliance report shall be filed before the Registry. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The First Additional District Judge (PCR),
Thanjavur.

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

+1 CC To MR.M.P.SENTHIL, Advocate SR. NO.81386

+1 CC To MR.M.VIJAYA RATHINAM, Advocate SR. NO. 81622

Common Order made in
C.R.P. (MD) (PD) No.2345 and 2346 of 2016
30.08.2018

SM

TR/SV/SAR-I(01.10.2018)2P 6C