



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.2383 of 2016 and
C.M.P. (MD)No.11241 of 2016

1. Kuppathal
2. Subbulakshmi
3. Samiyappan
4. Manivel

... Petitioners/Petitioners/
Plaintiffs

Vs.

1. Nachimuthu @ Natrayan
2. Thangavel
3. Shunmugham

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.12.2015 in I.A.No.1349 of 2015 in O.S.No.262 of 2012 on the file of the learned Additional District Munsif, Karur.

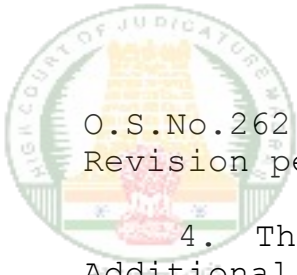
For Petitioners : Mr.K.Govindarajan
For R-1 to R-3 : No appearance.

O R D E R

The plaintiffs in O.S.No.262 of 2012 are the Revision petitioners herein. It is a suit for restoration of 'C' schedule pathway. The plaintiffs filed I.A.No.1349 of 2015 for reopening their case in order to mark the document dated 23.12.1987. The Court below taking note of the belated nature of the said application, dismissed I.A.No.1349 of 2015 by order dated 01.12.2015. The correctness of the said order is questioned in this Civil Revision petition.

2. It is seen that the document in question is a registered document and that the plaintiffs are parties to the document. Therefore, this Court is of the view that the interest of justice will be better served by allowing the application.

3. In this view of the matter, the order passed by the learned Additional District Munsif, Karur, in I.A.No.1349 of 2015 in



O.S.No.262 of 2012, dated 01.12.2015, is set aside. The Civil Revision petition stands allowed, accordingly.

4. The suit is of the year 2012. Therefore, the learned Additional District Munsif, Karur, is directed to dispose of O.S.No.262 of 2012 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-IV)

To

The Additional District Munsif,
Karur.

+1cc to Mr.K.Govindarajan, Advocate, SR.No.83745

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