



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.275 of 2016

and

C.M.P. (MD) No.1103 of 2016

Ragupathy

... Petitioner/Respondent/ Respondent

Vs.

Sree Pavoor Vinayagar Kovil Nirvaga Sangam,
Through its President,
South Street, Maraneri Village,
Vilampatty Utkadai,
Sivakasi Taluk.

... Respondent/Petitioner/ Appellant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.46 of 2014 in A.S.No.23 of 2013 on the file of the learned Subordinate Judge, Sivakasi, dated 27.10.2015.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.R.Rajaraman

O R D E R

The Revision petitioner is the respondent in A.S.No.23 of 2013 on the file of the Subordinate Court, Sivakasi. In the said appeal, I.A.No.46 of 2014 was filed by the respondent herein under Order 41 Rule 27 of C.P.C., for adducing additional evidence. It is well settled that such an application must be taken up only along with the main appeal. But in this case, the said application was independently dealt with and allowed. This is clearly contrary to established practice and procedure and also the decisions of the Hon'ble Supreme Court.

2. In this view of the matter, the order passed by the learned Subordinate Judge, Sivakasi, in I.A.No.46 of 2014 in A.S.No.23 of 2013, dated 27.10.2015, is set aside. The said I.A., shall be taken up along with the main appeal. The Civil Revision petition stands allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

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Sub Assistant Registrar(CS-I)



To

1. The Subordinate Judge,
Sivakasi.

2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.P.Senthil, Advocate Sr.No.80174

+1cc to Mr.R.Rajaraman, Advocate Sr.No.80148

PMU

VB/SKN/SAR1/27.09.2018/2P/6C

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