



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. 772 of 2016

and

C.M.P. (MD) No. 3848 of 2016

1. P. Lettisial

2. P. Goldwin

3. V. Nirmala

... Petitioners /Petitioners/
Plaintiffs

/Vs./

1. P. Siluvai Rajan @ Rajan

2. J. Therasa Miranda

3. St. Innasriar Church,

Kurumpanai represented by its Paris Priest.

4. Franciskhan Machineries of Mary Society,

House No. 5/42B, Leena House,

Kurumpanai, Kurumpanai & Post,

Colachel Village,

Kalkulam Taluk,

Kanyakumari District.

... Respondents/Respondents /
Defendants

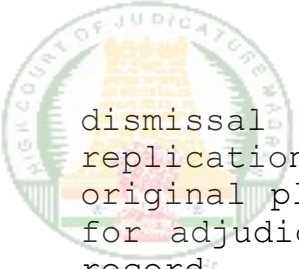
Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the order dated 04.02.2016 made in I.A.No.326 of 2015 in O.S.No.187 of 2012 on the file of the Subordinate Judge, Padmanabhapuram and allow this civil revision petition.

For Petitioners : Mr. H. Thaymanaswamy
For R-1 & R-2 : Mr. K. Sreekumaran Nair
For R-3 & R-4 : No appearance

ORDER

The plaintiffs in O.S.No.187 of 2012 on the file of the Sub Court, Padmanabhapuram are the revision petitioners herein. It is a suit for partition. The revision petitioners filed I.A.No.326 of 2015 for amending the pleadings. The same was dismissed by the Subordinate Judge, Padmanabhapuram, by order dated 04.02.2016. Questioning the same, the civil revision petition has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondents pointed out that after the



dismissal of the amendment application, the plaintiffs filed replication, in which what is now sought to be incorporated in the original plaint, was brought on record. Therefore, nothing survives for adjudication in this CRP as the replication has been taken on record.

3. Recording the submission, the civil revision petition is disposed of. No costs.

4. The suit is of the year 2012. Therefore, the Sub Court, Padmanabhapuram, is directed to dispose of the suit in O.S.No.187 of 2012 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Subordinate Judge, Padmanabhapuram.

+ 1 CC TO Mr.K.SREEKUMARAN NAIR, ADVOCATE IN SR No. 81339
+ 1 CC TO Mr.H.THAYUMANASWAMY, ADVOCATE IN SR No. 81372

SM
TE/RSK/SAR-1 : 24/09/2018 : 2P/4C

Order made in
C.R.P. (MD) (PD) No.772 of 2016
30.08.2018