



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.813 of 2016 and
C.M.P.(MD)No.4103 of 2016

1. Prabhakala
2. Velmurugan

... Petitioners/Petitioners/
Proposed defendants 2 and 3

Vs.

1. V.Ramendran
2. R.Sasikala

... Respondents/Respondents 1 & 2/
Plaintiffs

3. R.Usha Rani

... Respondent/3rd Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreal order dated 09.12.2015 passed in I.A.No.341 of 2015 in O.S.No.23 of 2011 on the file of the District Munsif Court, Virudhunagar, by allowing this Civil Revision petition.

For Petitioners: Mr.M.Kannan
For R-3 : Mr.G.Mariappan
For R-1 & R-2 : No appearance.

ORDER

Respondents 1 and 2 in this Civil Revision petition filed O.S.No.23 of 2011 before the District Munsif Court, Virudhunagar, seeking the relief of permanent injunction in respect of the suit property. According to the plaintiffs, the suit property is a common path way. This is disputed by the original defendant. After the commencement of the trial, the Revision petitioners filed I.A.No.341 of 2015 for getting themselves impleaded. This was opposed by the original defendant/third respondent herein. The Court below by order dated 09.12.2015, dismissed the Revision petitioners' interlocutory application. Questioning the same, the Civil Revision petition has been filed.



2. I am of the view that it is only the plaintiff who can oppose the said application filed by the Revision petitioner herein. The learned counsel for the Revision petitioners undertakes that he would take part in the proceedings from the stage, when I.A.No.341 of 2015 was filed. It appears that the Revision petitioners are sailing along with the plaintiffs.

3. Therefore, recording the said undertaking given by the Revision petitioners that they won't drag on the proceedings by filing any written statement, the order passed by the learned District Munsif, Virudhunagar, in I.A.No.341 of 2015 in O.S.No.23 of 2011, dated 09.12.2015, is set aside. The Civil Revision petition stands allowed, accordingly. The suit is of the year 2011. The learned District Munsif, Virudhunagar, shall conclude the entire proceedings in O.S.No.23 of 2011 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-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Virudhunagar.

+ 1 CC TO MR.M.KANNAN, ADVOCATE IN SR NO.82470
+ 1 CC TO MR.G.MARIAPPAN, ADVOCATE IN SR NO.82775

PMU

BU/SKN/SAR-III :12.10.2018 : 2P/4C

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