



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .Nos.2276 & 2277 of 2018 and
C.M.P. (MD) No.10200 of 2018

C.Thynraj

... Petitioner/Petitioner/
Defendant in both petitions

Vs.

I.Joseph

... Respondent/Respondent/
Plaintiff in both petitions

COMMON PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.09.2018 made in I.A.Nos.235 and 236 of 2018 in O.S.No.4 of 2016 on the file of the District Munsif cum Judicial Magistrate, Ilayankudi.

(in both petitions)

For Petitioner : Mr.P.Thiagarajan

For Respondent : No appearance.

COMMON ORDER

O.S.No.4 of 2016 on the file of the District Munsif, Ilayankudi, was filed by one Joseph against the Revision petitioner herein seeking the relief of permanent injunction. In the said suit, the Revision petitioner filed two Interlocutory applications. One is for reopening the suit and the other is for recalling D.W.1, namely, himself. Both the Interlocutory applications were dismissed on 05.09.2018. Challenging the same, these Civil Revision petitions have been filed.

2. Though the plaintiff has been served and his name is also printed in the cause list, he has not chosen to enter appearance either in person or through counsel.

3. This Court notes that the suit is of the year 2016. Therefore, one cannot say that the defendant has not been dragging on the matter indefinitely. The Revision petitioner wants to mark only a public record, namely, corrected F.M.B. He does not want to adduce any further evidence. In order to render substantial justice,



the orders impugned in the Civil Revision petitions are set aside.

4. The Civil Revision petitions stand allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Munsif cum Judicial Magistrate,
Ilayankudi.

+ 1 CC TO Mr.P.THAGARAJAN, ADVOCATE IN SR No. 93269

PMU

TE/BK/SAR-2 : 10/12/2018 : 2P/3C

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