



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP NPD (MD)No.1262 of 2011

MP(MD)No.1 of 2011

CMP(MD)Nos.6728 of 2017 and 6798 of 2018

1.S.Mohammed Gani
2.P.Sankaranarayanan
3.P.Ulaganathan
4.S.P.Sivan
5.S.Sahadevan
6.Panneerselvam
7.Elangovan
8.Saseetharan
9.Aseervatham
10.The Kemalamuthu Charities
Building Tenants Sangam,
Reg.No.39/2000,
Tirunelveli High Road,
rep.by its Secretary.

... Petitioners

vs.

1.The Kemalamuthu Charities through
Manager, N.K.Eswaramoorthy,

S.R.Sankarasubramaniam (died)

2.S.R.Sankararama Subramaniam

3.S.R.S.Shanmugam

... Respondents

Petition filed under Section 115 CPC to set aside the order dated 26.04.2011 passed by the Principal Sub Judge, Tirunelveli in E.A.No.222 of 2011 in E.A.No.1007 of 2010 in E.P.No.210 of 2010 in O.S.No.7 of 1989.

For Petitioner : No appearance

For R1 & R3 : Mr.H.Arumugam

For R2 : No appearance

ORDER

This Civil Revision Petition has been filed challenging the order passed in E.A.No.222 of 2011 in E.A.No.1007 of 2010 in E.P.No.210 of 2010 in O.S.No.7 of 1989 by the Principal Sub Judge, Tirunelveli.

2.The revision petitioners herein as petitioners have filed
<https://hcservices.ecourts.gov.in/hcservices/>
E.A.No.222 of 2011 on the file of the Principal Sub Judge,
Tirunelveli seeking to send for copies of all the Exhibits of



plaintiffs and defendants, plaint, written statement filed in O.S.No.7 of 1989 on the file of the Principal Sub Judge, Tirunelveli.

3. After hearing both the parties, the Principal Sub Judge, Tirunelveli, vide order dated 26.04.2011, dismissed the said application as not maintainable. Challenging the order of dismissal, this Civil Revision Petition has been filed.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents 1 and 3.

5. When the matter is taken up for hearing, the learned counsel appearing for the respondents 1 and 3 submitted that he has no objection in allowing the present Civil Revision Petition and to direct the trial Court to send for copies of the documents as sought therein, subject to the availability of the documents. However, he pleaded that appropriate direction can be issued to the trial Court to dispose of E.A.No.1007 of 2010 within a period of three months.

6. In view of the above submission, this Civil Revision Petition is allowed. The order dated 26.04.2011 passed in E.A.No.222 of 2011 by the Principal Sub Court, Tirunelveli is set aside and the petition filed in E.A.No.222 of 2011 is allowed. Further, the Principal Sub Court, Tirunelveli is directed to dispose of E.A.No.1007 of 2010 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, MP(MD)No.1 of 2011, CMP(MD)Nos.6728 of 2017 and 6798 of 2018 are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

The Principal Sub Judge,
Tirunelveli.

+1CC to Mr.H.Arumugam, Advocate, SR.No. 79735

CRP NPD (MD)No.1262 of 2011
20.08.2018

MJ

ES/RP/SAR 2/04.09.2018/2P/3C