

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD)No.3442 of 2014

and

MP No.1 of 2014

Rasappan

.... Petitioner

versus

Seetharaman

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 31.01.2014 passed in I.A. No.1403 of 2011 in O.S. No.357 of 2004 on the file of District Munsif, Udumalaipettai.

For Petitioner

: Mr.P. Thirupathi Raj
for Mr.R. Kannan

For Respondent

: Mr. E. Vijayakumar
for Mr.S. Gunalan

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 31.01.2014 passed by the learned Principal District Munsif, Udumalpet in I.A. No.1403 of 2011 in O.S. No.357 of 2004.

Brief facts leading to the instant Civil Revision Petition filed under Article 227 of the Constitution of India.

2. The petitioner is the defendant in the suit O.S. No.357 of 2004 pending on the file of the District Munsif Court, Udumalpet. The suit has been filed by the respondent/plaintiff against the petitioner for a bare injunction restraining the petitioner from interfering with the peaceful possession and enjoyment of the suit schedule property and also for mandatory injunction to remove the compound wall.

3. I.A. No.1620 of 2010 was filed by the respondent / plaintiff in O.S. No.357 of 2004 seeking permission of the Court to permit one Suresh Babu to represent the respondent / plaintiff in the suit as his Power Agent. I.A. No.1620 of 2010 was dismissed by the Trial Court on 26.04.2011. According to the petitioner, once again for the same relief, I.A. No.1403 of 2011 was filed by the petitioner. I.A. No.1403 of 2011 was allowed by the Trial Court on the ground that the respondent / plaintiff is an old man and is deaf. Aggrieved by the allowing of I.A. No.1403 of 2011, the instant Civil Revision petition has been filed by the petitioner / defendant under Article 227 of the Constitution of India.

4. Heard Mr.P. Thirupathi Raj, learned counsel for the petitioner

and Mr.E. Vijayakumar, learned counsel for the respondent.

Discussion :

5. The Civil Revision Petition has been filed in the year 2014. In view of the pendency of the Civil Revision Petition, the suit is still kept pending. Without going into the merits of the matter, in the interest of both the parties, the following directions are given :-

6. In this Civil Revision Petition the only ground raised by the petitioner is that the respondent / plaintiff has filed I.A. No.1403 of 2011 seeking for permission for the Power Agent of the respondent / plaintiff to conduct the suit and give evidence on behalf of the respondent / plaintiff to conduct the suit and give evidence on behalf of the respondent / plaintiff when a similar application in I.A. No.1620 of 2010 was dismissed by the trial Court on 26.04.2011.

7. According to him in both I.A.s, the relief sought for by the respondent was only to permit Suresh Babu to represent the respondent / plaintiff in the suit as Power Agent. Since, it is the only ground raised in the Civil Revision Petition, liberty is granted to the petitioner to raise the same before the Trial Court during cross examination of the respondent / plaintiff witness and also during the

arguments. The said issue shall be considered by the Trial Court in accordance with law and while passing the final judgment in the suit give a finding as regards the issue raised by the petitioner / defendant in this Civil Revision Petition No.3442 of 2014.

8. With the aforesaid directions, the Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. The Trial Court shall pass the judgment unfluenced by the observations made by the trial Court under the impugned order dated 31.01.2014 passed in I.A. No.1403 of 2011 as well as the earlier order dated 26.04.2011 passed in I.A. No.1620 of 2010.

9. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2019

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
vsi2

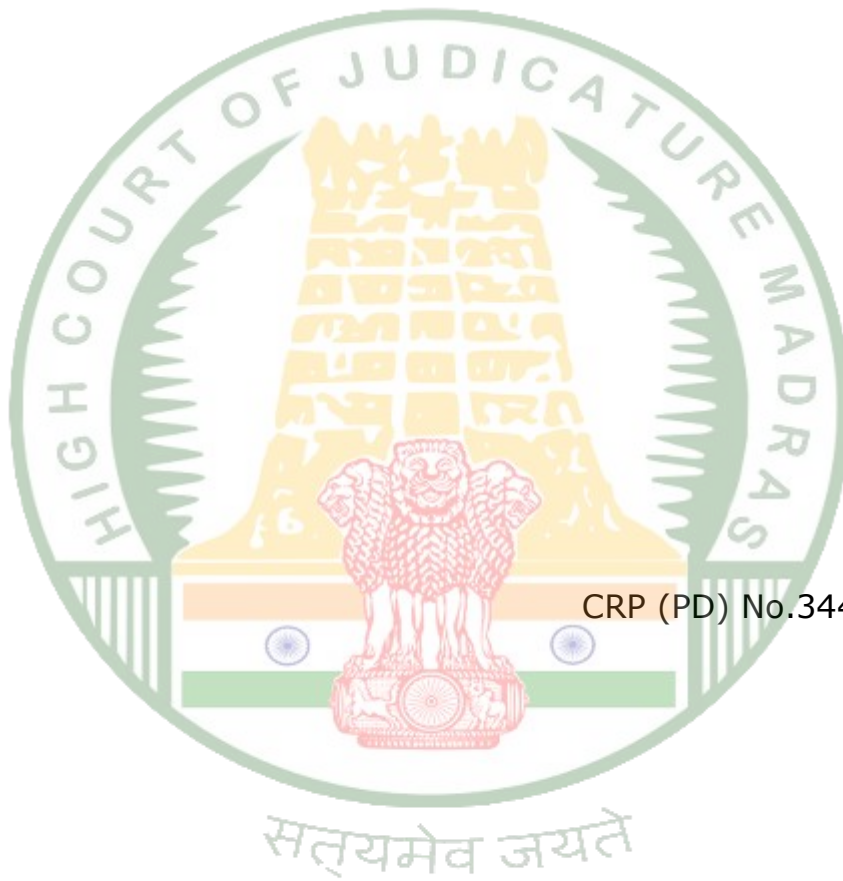
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The District Munsif,
Udumalaipettai.

ABDUL QUDDHOSE, J.

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