

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1788 of 2002

R.Chokalingam

... Petitioner

vs.

1.Minor G.Arun

2.Minor G.Mahendran

Minors repd. by the father and Natural
guardian Dr.R.Govindasami

3. Venkatesan

4.The Vridhachalam Municipality

Repd by its Commissioner

Vridhachalam

Cuddalore District.

5. Manivasagam

6. Sridharan

7. Muralidharan

8.Nagoorkani

9. Arumugam

10.Giridharan

... Respondents

Civil Revision Petition filed under Article 227 of the
Constitution of India, against the Judgement and decree dated
04.12.2000 made in I.A. No.392 of 1999 in O.S. No.477 of 1996 on
the file of the Principal District Munsif, Vridhachalam.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Akilesh

for Mr.N.Maninarayanan - for R1 & R2

No appearance - for R3 to R10

O R D E R

Challenging the order passed in I.A. No.392 of 1999 in
O.S. No.477 of 1996 on the file of the Principal District Court,
Vridhachalam, the plaintiff has filed the above Civil
Revision Petition.

2. The plaintiff has filed the suit in O.S. No. 477 of 1996 for declaration, permanent injunction and for other reliefs. In the said suit, the defendants filed an application in I.A.No.392 of 1999 to dismiss the suit. The said application was filed under section 151 of the Civil Procedure Code.

3. The Trial Court, by order dated 04.12.2000, allowed the application without assigning any reason. The only reason assigned by the Trial Court is that the plaintiff did not file his counter in the said application.

4. It is settled position that the Courts should pass a detailed/reasoned order and a non-speaking order cannot be sustained.

5. Since the present application has been allowed by the Trial Court without assigning any reason, I am of the considered view that the order passed by the Trial Court should be set aside and remitted back to the Trial Court for fresh consideration.

6. Accordingly, the order passed in I.A. No.392 of 1999 in O.S. No.477 of 1996 is set aside and the matter is remitted back to the Principal District Court, Viridhachalam for fresh consideration. The Principal District Munsif, Vridhachalam is directed to decide the matter afresh after giving due opportunity of hearing to all the parties.

With these observations, the Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal District Munsif,
Viridhachalam.

2. The Commissioner
Viridhachalam Municipality
Viridhachalam
Cuddalore District.

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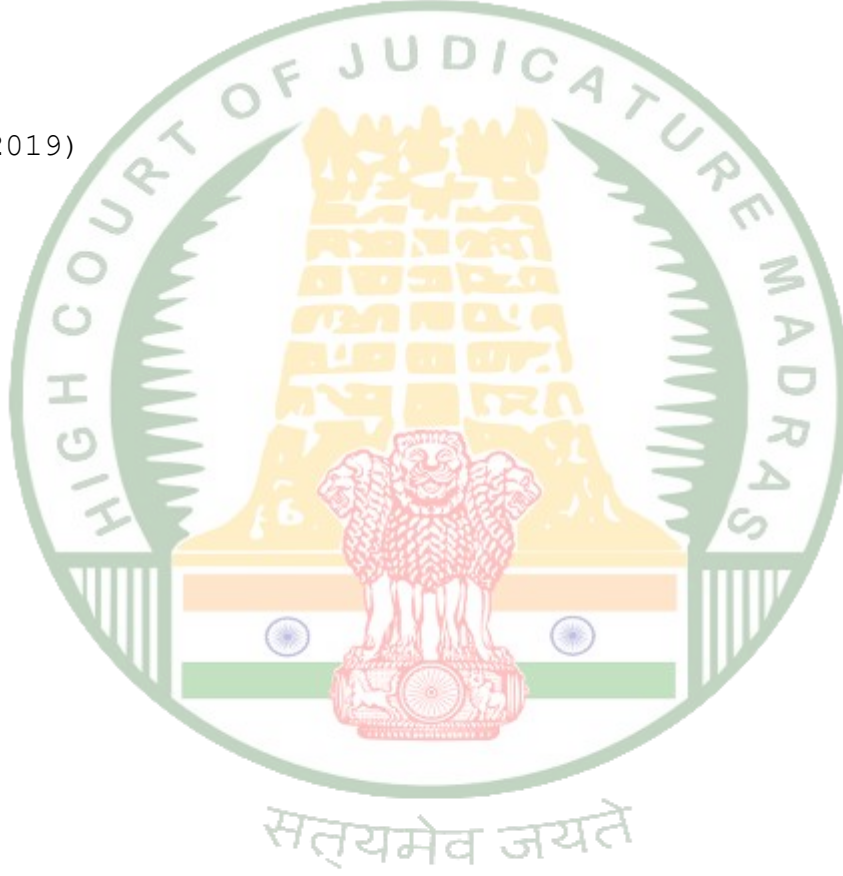
The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.V.Mani Narayanan, Advocate, S.R.No.2124

+1cc to Mr.V.Raghavachari, Advocate, S.R.No. 1724

C.R.P. (PD) No.1788 of 2002

AD (CO)
GN (28/01/2019)



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