

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP(PD).No.2469 of 2017

and

CMP.Nos.11679 of 2017 and 21803 of 2018

1.Vijayalakshmi

2.R.Kaliappan

.. Petitioners

Vs

A.Prakash

rep. by his Power Agent S.Sundaramuruges

.. Respondent

Civil Revision Petition filed under Article 227 of the Indian Constitution to set aside the petition order of the Principal District Munsif Court at Coimbatore, dated 12.09.2016 in I.A.No.1509 of 2016 in O.S.No.1353 of 2016.

For Petitioners : Mr.P.Valliappan

For Respondent : Mr.R.Amardeep
for M/s.Tamizh Law Firm

O R D E R

The above Civil Revision Petition is filed challenging the order passed by the learned District Munsif, Coimbatore in I.A.No.1509 of 2016 in O.S.No.1353 of 2016, in and by which, the learned Judge has allowed the petition filed under Order 2 Rule 2 CPC permitting the respondents to file a separate suit for recovery of money at a later point of time. The revision petitioner is aggrieved by the said order, since no notice has been given to him and he was not heard before the admission was granted.

2.Without going in to the merits of the case this Court is disposing of the Civil Revision Petition, after hearing both parties on the following lines:

I.A.No.1509 of 2016 in O.S.No.1353 of 2016 is remitted back to the learned District Munsif, Coimbatore, who had received all the papers and shall hear both the parties (the Revision petitioner shall be given opportunity to file his counter) and thereafter passed a detailed order.

3.The learned Judge shall dispose of the I.A.No.1509 of 2016 in O.S.No.1363 of 2016 within a period of one month from the date of receipt of a copy of the order. The Civil Revision Petition is disposed of on the above lines. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dua/tta

To

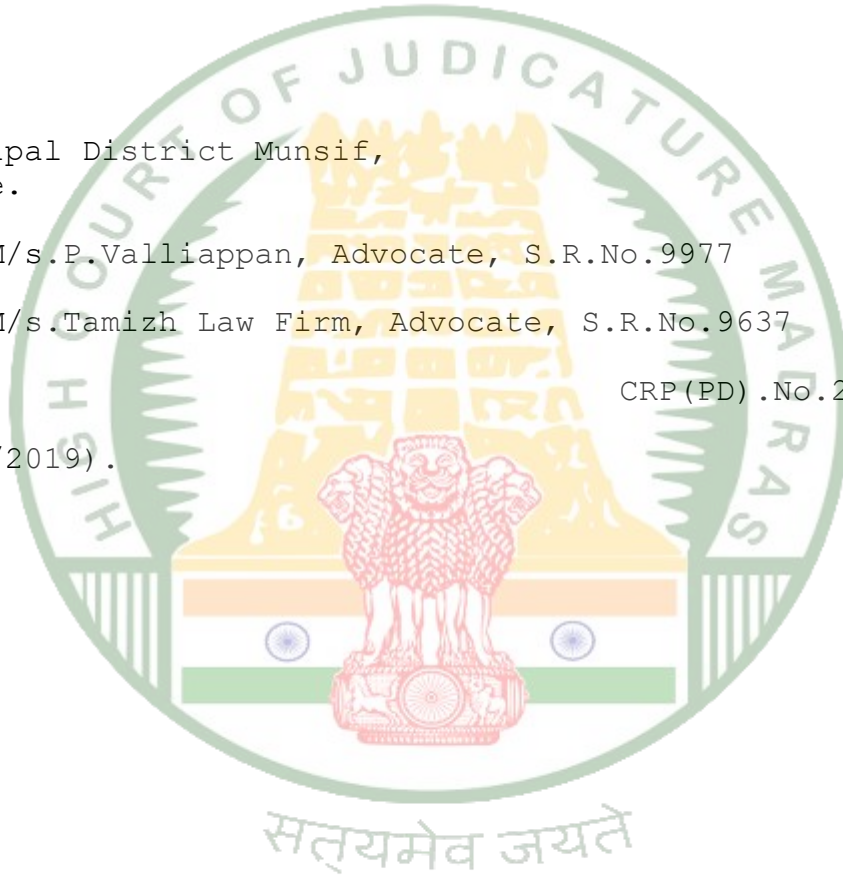
The Principal District Munsif,
Coimbatore.

+1 cc to M/s.P.Valliappan, Advocate, S.R.No.9977

+1 cc to M/s.Tamizh Law Firm, Advocate, S.R.No.9637

CRP(PD).No.2469 of 2017

PA(CO)
SSM(28/02/2019).



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