

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

C.R.P.(PD).No.3518 of 2018

Tamilnadu Thayal Kalai Thozhilar,
Munnetra Sangam (T.K.T.M.S)
Rep. By its State General Secretary,
T.V.S Mani, S/o.T.P.Veerassamy, Hindhu,
Office at No.112, Madhavaram High Road,
Perambur, Chennai-600 011,
and the State Treasurer Mr.K.Basha,
No.12/2-C, Chengahaneer Pillaiar Street,
Mylapore, Chennai-600 004.

...Petitioner

Vs

1.Arumugam
2.R.Mohandoss
3.N.Sundaram
4.Azhagumani
5.K.A.Narayanan
6.A.S.Anbusankar
7.N.G.S.Mani
8.Mrs.Laila Tajudeen

... Respondents

PRAYER:

Civil Revision Petition is filed under Section 115 of The Code of Civil Procedure to set aside the Fairs Decreetal order dated 13.02.2018 passed in I.A.No.17381 of 2017 in O.S.No.9581 of 2010 on the file of II Assistant Judge, City Civil Court at Chennai.

For Petitioner : Mr.Prakash Goklaney

For Respondent : Mr.Mr.P.Sesubalan Raja for R1

ORDER

This Court, from a persual of the records, finds that the order of this Court dated 26.04.2016 in C.R.P.(NPD).No.415 of 2016, has not been complied with by the learned II Assistant Judge, City Civil Court at Chennai.

2. It is seen from the records that pursuant to the order in the Civil Revision Petition in C.R.P.No.415 of 2016, the respondent/defendant has filed a memo on 12.04.2017 stating that there is no jurisdiction for framing of additional issues. From the adjudication submitted, it is seen that the plaintiff has not submitted any objection to the same. The learned Judge without passing any order on the memo filed by the respondent, as to whether the framing of the additional issues was justified, has proceeded to take on file the impugned order in I.A.No.17381 of 2017.

3. The learned Judge in paragraph No.22 of the order in C.R.P.(NPD).No.415 of 2016 had directed the learned II Assistant Judge, City Civil Court to hear the parties on the necessity of framing additional issues or to hear them on the justification of the additional issues framed and to offer an opportunity to both sides to adduce evidence, if those issues are found necessary and pronounce judgment afresh. It is seen from the impugned order that the learned Judge has not followed the direction

issued by this Court in the above C.R.P.(NPD).No.415 of 2016. Therefore the learned II Assistant Judge is directed to complete the entire exercise, directed by this Court in C.R.P.(NPD).No.415 of 2016 within a period of one month from the date of receipt of a copy of this order or its production by any one of the parties.

4. Considering the fact that this Court is now directing the learned Judge to consider the memo, the impugned order dated 13.02.2018, is set aside. The Presiding Officer shall consider the memo totally uninfluenced by whatever observations are made in the impugned I.A.No. 17381 of 2017 in O.S.No.9581 of 2010.

21/03/2019

ssb/tta
Index:Yes/No
Internet:Yes/No
Speaking Order/Non-speaking Order

(Issue order copy on 25.03.2019)

To

The learned II Assistant Judge,
City Civil Court, Chennai.

P.T.ASHA,J.,

ssb/tta



C.R.P.(PD).No.3518 of 2018

WEB COPY

21.03.2019