



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P(MD)No.826 of 2019(PD)

1.R.Packiadoss

2.Janaki Pondoss

3.Amaravathi

4.Kamalam

5.Sornam

6.Rajam @ Baby Rajam

7.Muthukrishnan

8.Lakshmi Ammal

9.Kalavathi

10.Lakshmi

11.Pooranam

12.Gopal

13.Packiam

14.N.Rajagopal

15.M.N.Rajendran

[Petitioners 1 to 15 are represented through
their power agent, namely, P.Rajendra Jordiye,
the 16th petitioner herein].

16.P.Rajendra Jordiye

17.Raj Finlis (P) Ltd. rep. through

its Managing Director P.Rajendra Jordiye,
5, Ramanujar Street,
Sougarpet, Chennai - 79.

.. Petitioners/Plaintiffs



1.K.Krishnan Kutty

2.M/s.Beta Wind Form (P) Ltd.

rep. by J.Sriram,
Having Office at 23, 3rd Floor,
Vanipat Society Building,
Egmore Bisvas Road,
Chennai - 84.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Maharaja Nagar (Wind Mill Section),
Tirunelveli District.

4.The Executive Engineer,
Tamil Nadu Electricity Board,
Maharaja Nagar (Wind Mill Section),
Tirunelveli District.

5.Bagavathiammal

5.Esakkimuthu Konar

7.Mariajesi

.. Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned Additional District Munsif, Valliyoor to dispose of I.A.No.380A/2016 in O.S.No.207 of 2011 within the time fixed by this Court.

For petitioners

: Mr.H.Arumugam

ORDER

This civil revision petition has been filed by the petitioners/ plaintiffs seeking for a direction to the learned Additional District Munsif, Valliyoor to dispose of I.A.No.380A/2016 in O.S.No.207 of 2011.

2.According to the petitioners/defendants, they had filed the suit in O.S.No.207 of 2011 for the reliefs of partition and separate portion of their shares in the suit properties and also for consequential permanent injunction restraining the second defendant from changing the character of the property by erecting wind mill and pole in the suit property or restraining the third defendant from granting electricity service connection to the second defendant Wind Mill. On 30.06.2016, the suit was dismissed for default for non-appearance of the petitioners. On 11.07.2016, the petitioners filed I.A.No.380A of 2016 seeking to restore the suit. But the said interlocutory application has been adjourned on various dates for filing counter on the side of the respondents. Therefore, they have filed this revision petition seeking a



direction for early disposal of I.A.No.380A of 2016 .

3.Heard the learned counsel for the petitioners/plaintiffs. In view of the limited relief sought for by the petitioners/plaintiffs and also considering the fact that the disposal of I.A.No.380A of 2016 would not cause any prejudice to the respondents/defendants, this Court is of the view that notice need not be sent to the respondents/ defendants.

4.Considering fact that the interlocutory application has been adjourned on various dates and also considering the submission of the learned of the petitioners, this Court Without adverting to the merits of the case is inclined to direct the Court below to dispose of I.A.No.380A/2016 in O.S.No.207 of 2011 on merits and in accordance with law as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to cooperate with the Court below for early disposal of the same.

5.Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

smn

To

1.The Additional District Munsif,
Valliyoor.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1CC TO MR.H.ARUMUGAM, Advocate Sr. No. 68614

ORDER MADE IN
C.R.P(MD)No.826 of 2019(PD)
12.06.2019

RP(CO)

TR (19.06.2019) 3P 5C