



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Monday, the Twenty First day of October Two Thousand
Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
CRP(MD). No.164 of 2019

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LAKSHMI

W/O. N.PREMKUMAR, NOOR NO 30,

MEENAKSHI COLONY, PARAVAI

MADURAI.

... Petitioner/Appellant/11th Defendant

Vs

1 IRULAPPAN

S/O. VELLASAMY KONE

2 IRULAYEE

D/O. VELLAISAMY KONE

BOTH AT DOOR NO.51/B/2, KALLIKUDI ROAD,

UMATCHIKULAM,

MADURAI DISTRICT.

... Respondent/Respondent/Plaintiffs

Prayer :-This Civil Revision Petition is filed Under Section 115 of Civil Procedure Code against the judgement and decree dated 01.11.2018 made in C.M.A.No.47 of 2017 on the file of the II Additional Sub Court, Madurai, confirming the order dated 22.06.2017 made in I.A.No.445 of 2015 in I.A.No.818 of 2008 in O.S.No.967 of 2004 on the file of the Taluk District Munsif Court, Madurai.

Decree: This Civil Revision Petition coming up for hearing on this day, upon perusing the grounds of Petition the order of the Lower Court and the Material papers to the petition and upon hearing the arguments of Mr.T.C.S.Thillainayagam, Advocate for the Petitioner, and of Mr.S.Manohar, Advocate for the Respondents 1 and 2, and this Court while allowing the Civil Revision Petition doth order and decree as follows.

1.that the Judgement and decree dated 01.11.2018 made in C.M.A.No.47 of 2017 on the file of the II Additional Sub Court, Madurai and the fair and decreetal order dated 22.06.2017 made in I.A.No.445 of 2015 in I.A.No.818 of 2008 in O.S.No.967 of 2004 on the file of the leanred Taluk District Munsif Court, Madurai be and hereby are set aside and the Civil Revision Petition is allowed and the suit in O.s.No.967 of 2004 is remitted to the file of the Trial Court viz., District Munsif Court, Madurai Taluk, Madurai for fresh Trial.

2.that the Trial Court be and hereby is directed to conduct trial on day to day basis and dispose of the suit within a period of four months from the date of receipt of a copy of this order.



3.that both the parties be and hereby are directed to cooperate with the trial Court for disposal of the suit at the earliest.

4.that there be no costs in this Civil Revision Petition

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1.The II Additional Subordinate Judge, Madurai

2.The District Munsif , Madurai Taluk, Madurai

Copy to:

The Record Keeper, (2 copies)

V.R. Section,

Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.T.C.S.THILLAINAYAGAM, Advocate (SR-93362[F] dated 21/10/2019)

+1 CC to Mr.S.MANO HAR, Advocate (SR-93445[F] dated 22/10/2019)

ORDER DATED : 21/10/2019

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DECREE

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CRP(MD). No.164 of 2019

Allowing the CRP(MD).No.164 of 2019 preferred against judgment and decree on the file of the II Additional Sub Court, Madurai dated 01.11.2018 made in C.M.A.No.47 of 2017 confirming the order dated 22.06.2017 made in I.A.No.445 of 2015 in I.A.No.818 of 2008 in O.S.No.967 of 2004 on the file of the Taluk District Munsif Court, Madurai etc. as stated within.

VB(23.01.2020) 2P 7C