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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) No. 919 of 2019

and

C.M.P. (MD) No. 5294 of 2019

1. Udayasooriyan

2. Parvathy

... Petitioners

Vs.

1. Jegan Britto

2. Jegathees

3. Jeyanth Peter

4. Jenith Nirmal

5. Jepitha Vanimalar

6. Jerlin Mary

... Respondents

Prayer: The petition filed under Article 227 of the Constitution of India, as against the order dated 28.02.2019 passed in A.S.No.2 of 2014 on the file of the Principal District Court, Tirunelveli.

For Petitioners : Mr. J. Barathan
For Respondents : Mr. R. J. Karthick
(R2, R3)

ORDER

This Civil Revision petition has been filed against the order dated 28.02.2019 passed in A.S.No.2 of 2014 on the file of the Principal District Court, Tirunelveli.

2. According to the learned counsel appearing for the petitioner, through the docket order dated 28.02.2019, the Court below has directed the parties to make their arguments in the Appeal. However, this Court by order dated 20.12.2017 in C.M.A.No.307 of 2016 directed the Court below to frame additional issues and thereby, remanded the matter back to the Trial Court for framing necessary issues and also marking additional evidence subject to proof and relevancy under Order 41 Rule 25 C.P.C. Accordingly, the Court below duly received the report. However, on the receipt of the said report, the First Appellate Court ought to have permitted both the parties to file their objections in terms of Order 41 Rule 26 C.P.C. However, without permitting the parties to do the same, the First Appellate Court proceeded further, directing the parties to make their arguments and adjourned the matter to 28.02.2019.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the respondents conceded the submission of the learned counsel appearing for the petitioners.



4.Considering the submissions made on either side, this Court is of the view that it is appropriate to direct the First Appellate Court to permit both the parties to file their objections to the report dated 15.02.2019 forwarded by the Trial Court.

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5.Accordingly, this Court directs the First Appellate Court namely, Principal District Court, Tirunelveli to permit both the parties to file their objections to the report dated 15.02.2019, within a period of 3 weeks from the date of receipt of a copy of this order and thereafter, the First Appellate Court shall proceed further with the Appeal on merits and in accordance with law and dispose of the Appeal, within a period of 3 months.

6.The Civil Revision Petition is ordered accordingly. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

nbj

To

The Principal District Court, Tirunelveli.

+1 cc Mr.T.R.JEYAPALAM ,Advocate, SR.No. 85501

+1 cc Mr.R.J.KARTHICK ,Advocate, SR.No.85216

**C.R.P. (PD) (MD) No.919 of 2019
04.09.2019**

KK/SAR/30.09.2019/2P-4C/