



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

CRP(MD) No.1123 of 2019

and CMP(MD) No.6130 of 2019

WEB COPY

Elizabeth ... Revision Petitioner/Petitioner/
Proposed 2nd Respondent/
Proposed 2nd Respondent
versus
1. Dr.Sumuna Gnanaraj Daniel,
Through her Power Agent,
A.Selvaraj. ...1st Respondent/1st Respondent/
Petitioner/Landlord
2. Anthiyasolai Trust,
Rep. By its Secretary
Mrs.Priscilla Sureshraj
26/21, Kamarajar East West Street,
Madurai. ...2nd Respondent/2nd Respondent/
Respondent/Tenant

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the record pertaining to the impugned return order dated 29.04.2019 passed in E.A.SR.No.3854 of 2019 in E.P.No.268 of 2017 in R.C.O.P.No.158 of 2016 on the file of the Principal District Munsif Court, Madurai and to set aside the same and consequently, direct the Principal District Munsif Court, Madurai Town to number the E.A.SR.No.3854 of 2019 in E.P.No.268 of 2017 in R.C.O.P.No.158 of 2016 on the file of the Principal District Munsif Court, Madurai Town.

For Petitioner : Mr.M.R.Sreenivasan
for M/s.R.Nandakumar

ORDER

The Revision Petitioner is a third party in R.C.O.P.No.158 of 2016 on the file of the Additional District Munsif, Madurai Town. Before the said Court, she filed an application under Order I Rule 10 (2) C.P.C. On perusal, the learned Additional District Munsif, Madurai Town, pointed out some defects found in the application and thereafter, returned the same for rectification of defects, pointed out by the Registry. After rectifying the defects mentioned by the Registry, the application was represented before the same Court and once again, the said application was returned, after mentioning some other defects.

2. Now, the learned counsel appearing for the revision petitioner contended that as of now, the revision petitioner is in possession of the schedule mentioned property. The learned counsel further contended that now, the said RCOP disposed of early is a



collusive one and thereby, the revision petitioner is a necessary party to the Execution Petition in E.P.No.268 of 2017, which has been filed based on the decree passed in R.C.O.P.No.158 of 2016.

3. In the said circumstances, the issue to be decided is whether the revision petitioner is a necessary party or not for disposing the E.P.No.268 of 2017 filed in R.C.O.P.No.158 of 2016.

4. The only grievance of the revision petitioner is that the application filed by the petitioner is not taken up on file. Considering the said circumstances, I am of the opinion that it is appropriate to issue some directions to the learned Additional District Munsif, Madurai Town, in this regard.

5. The learned Additional District Munsif, Madurai Town, is directed to number the application filed by the revision petitioner and dispose of the same, after giving opportunities to either side, in accordance with law, within a period of one month from the date of presenting the said application.

6. With the above direction, the Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. The Registry is directed to return a copy of the petition to the revision petitioner for enabling her to produce the same to the concerned Court, immediately within one week from the date of order.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional District Munsif,
Madurai Town.

Copy to: The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

(To Return a Copy of the Petition to the Revision Petition for enabling her to produce the same to the concerned Court, immediately within one week from the date of order)

+1cc to Mr.R.NANDAKUMAR, Advocate, SR.No. 75250

CRP(MD) No.1123 of 2019

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