

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Civil Revision Petition (NPD) No.286 of 2010
and M.P.No.1 of 2010

Kumarasamy

..Petitioner

Vs

- 1.M.Manickam
- 2.Saraswathy
- 3.Thiyagarajan @ Chenrayan
- 4.Natrajan
- 5.Radga
- 6.Komathi
- 7.S.Kalidasan @ Kamrah
- 8.Kasinathan
- 9.S.Viswanathan
- 10.S.Boopalan
- 11.Sumathi
- 12.Gowri @ Manjula
- 13.Devikala
- 14.Pappathi Ammal
- 15.Lakshmi Ammal
- 16.Deivanai Ammal
- 17.Chandra Ammal
- 18.L.Kannan
- 19.M.Viswanathan
- 20.M.Thirunavukarasu

.....respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order passed in I.A.No.104 of 2005 in A.S.No.14 of 2005, on the file of Principal District Judge, Vellore dated 18.03.2008.

For Petitioner : Mr. V.Lakshminarayanan
For Respondents : No Appearance

ORDER

This Civil Revision Petition has been filed against the order and decretal order passed in I.A.No.104 of 2005 in A.S.No.14 of 2005, on the file of II Additional District Munsif, Vellore dated 18.03.2008.

2. The learned counsel for the petitioner would submit that an interlocutory application in I.A.No.73 of 2009 was filed to bring the legal heirs of the deceased respondent on record, for which, he has reported no objection and therefore, IA.No.73 of 2009 was allowed, whereas, in I.A.No.104 of 2005, he has filed counter contesting the petition. But without considering the objections raised in the counter, the Court below passed the order impugned in the revision on the ground that already I.A No.73 of 2009 was allowed and therefore, the petitioner has questioned the same in this revision, seeking interference of this Court.

3. I have perused all the materials placed on record. I.A No.73 of 2009

is nothing to do with I.A.No.104 of 2005. It appears that the petitioner raised objections by filing a counter affidavit. However, without advertng to the same, the Court below has passed the present impugned order stating the reason that since IA 73 of 2009 was already allowed. It is to be noted that for allowing IA 73 of 2009, the petitioner has reported no objection, whereas, in in regard to I.A.No.104 of 2005, he raised objections. Therefore, the Court below ought to have passed the order on merits after considering the objections raised by the petitioner. Therefore, the impugned order is set aside. The Principal District Judge, Vellore is directed to take I.A.No.104 of 2005 after giving an opportunity of personal hearing to the parties concerned and dispose of I.A.No.104 of 2005 on merits and in accordance with law.

4. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2020

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To

1. The II Additional District Munsif, Vellore
2. The Section Officer, V.R. Section, High Court, Madras

P.VELMURUGAN,J.

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15.07.2010

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