

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

C.R.P(PD).No.4726 of 2013

and

M.P.No.1 of 2013

1. The State of Tamil Nadu,
Rep.by its Collector,
Cuddalore District, Cuddalore.

2. The Chief Educational Officer,
Cuddalore.

3. The Head Master,
Government High School,
Abatharanapuram Village,
Vadalur Town Panchayat.

... Petitioners

Vs.

1. Ramalingam

2. Chandrasekaran

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order dated 18.11.2013 made in IA.No.614 of 2013 in O.S.No.247 of 2013 on the file of Principal District Munsif, Cuddalore.

For Petitioners : Mr.N.Manikandan
Government Advocate (C.Side)

For Respondents : No Appearance

ORDER

This Civil Revision petition has been filed by the petitioners/defendants against the dismissal of their application in I.A.No.614 of 2013 in O.S.No.247 of 2013 on the file of the Principal District Munsif, Cuddalore dated 18.10.2013.

2. The respondents herein had filed a suit in O.S.No.247 of 2013 on the file of the District Munsif, Cuddalore for the relief of declaration and mandatory injunction. During pendency of the said suit, the defendants 3 and 4 had filed an application in I.A.No.614 of 2013 under Order 7 Rule 11 of CPC to reject the plaint. The learned District Munsif by the order dated 18.11.2013 had dismissed the said petition. Feeling aggrieved, the defendants 1, 3 and 4 have filed the present Civil Revision Petition.

3. When this matter came up for hearing before this Court on 07.10.2020, the learned Special Government Pleader who is appearing for the petitioners has made a request to post the matter on some other day to ascertain whether the suit is still pending or not. Considering the said submissions, this Court has directed the Registry to call for a report with regard to the status of the suit in O.S.No.247 of 2013 from the Principal District Munsif, Cuddalore. Accordingly, the Registry has called for a report from the Principal District Munsif, Cuddalore. The learned Principal District Munsif, Cuddalore by the letter dated 14.10.2020 has submitted that the suit was dismissed for default on 30.08.2016 with the following orders passed by the then Presiding Officer:-

“ Called absent and no representation. Paused Over till afternoon. Batta not paid. Suit against D5 to D15 is dismissed for default. Additional Written Statement of D1 to D4 not filed and the opportunities to file the same is closed. As the suit against objectors is dismissed for default, the suit itself is dismissed for default with costs of D5 to D15”.

4. Since the aforesaid order is not clear as to whether the entire suit has been dismissed or it was dismissed against the defendants 5 to 15

alone, this Court has again directed the Registry to call for clarification with regard to the above from the concerned Principal District Munsif. Accordingly, the Registry has called for a clarification from the concerned Munsif, but, so far, no reply is received from the concerned Munsif. However, the learned Special Government Pleader for the petitioner has submitted that as on date, no suit is pending and the suit was dismissed for default against all the defendants.

5. Recording the aforesaid submissions, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2020

Vv

Index : Yes/No
Internet : Yes/No

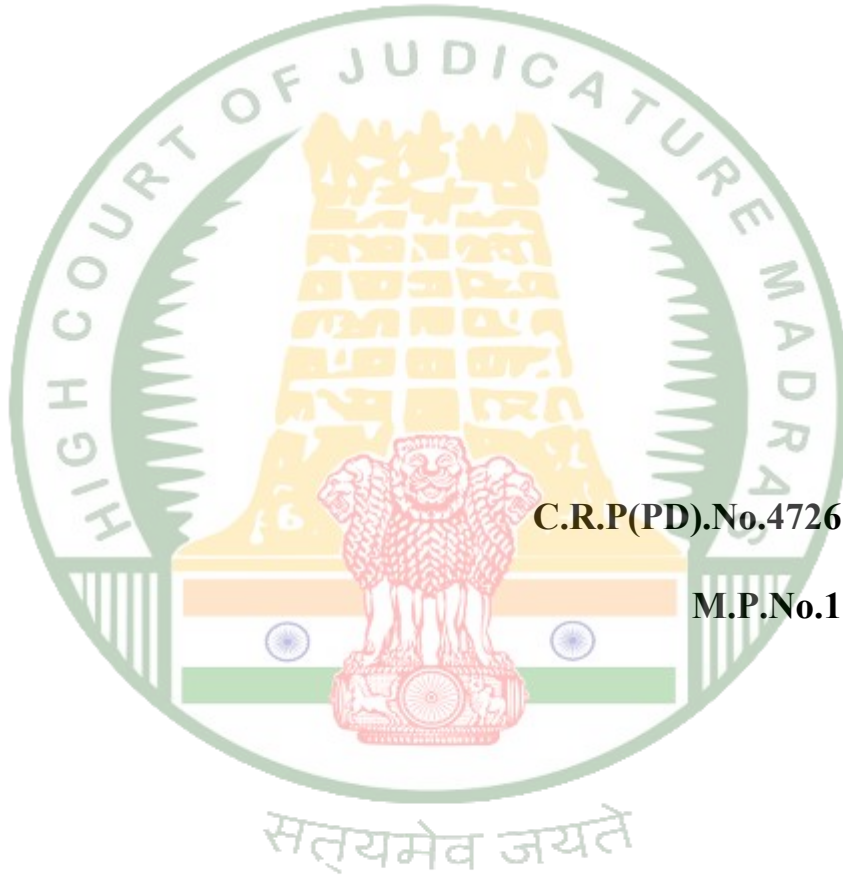
To

The Principal District Munsif,
Cuddalore.

CRP (PD).No.4726 of 2013
and MP.No.1 of 2013

P.RAJAMANICKAM.J.,

Vv



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