



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. (PD) (MD)Nos.2741 and 2742 of 2018

and

C.M.P. (MD) .No.12002 of 2018

in

C.R.P. (MD) .No.2741 of 2018

1.Deivanai
2.Palanivel
3.Natarajan
4.Neela

... Petitioners/Respondents/Respondents in both C.R.Ps

vs.

Muthu (a) Velayudham

... Respondent/Petitioner/Appellant in both C.R.Ps

COMMON PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 03.10.2018 passed in I.A.Nos.8 of 2017 and 156 of 2018 in A.S.No.10 of 2017 on the file of the Sub-Court, Aranthangi.

For Petitioners in
both C.R.Ps : Mr.M.P.Senthil

For Respondent in
both C.R.Ps : Mr.K.N.Govardhanan

ORDER

These civil revision petitions have been filed against the order dated 03.10.2018 passed by the Sub-Court, Aranthangi, in I.A.Nos.8 of 2017 and 156 of 2018 in A.S.No.10 of 2017.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondent and perused the materials available on record.

3.It is a settled proposition of law that if any party filed an application under Order 41 Rule 27 of C.P.C., to receive the additional evidence, the said application should be taken along with the main appeal and the interim application has to be decided only at the time of the disposal of the main appeal along with the appeal.



4.Under these circumstances, prima facie, in this case, the trial Court had failed to consider the settled proposition of law and dealt with the said Interlocutory Applications independently. Therefore, this Court finds that dealing with the interlocutory applications independently is a serious error in law committed by the trial Court which is against settled proposition of law.

5.In view of the above, the order dated 03.10.2018 passed in Interlocutory Application Nos.8 of 2017 and 156 of 2018 in A.S.No.10 of 2017, by the Sub-Court, Aranthangi, are set aside and the appellate Court is directed to deal with both the above said applications along with appeal and dispose the same on its own merits in accordance with law.

6.In the result, the Civil Revision Petitions are allowed. The above said both the applications are remitted back to the appellate Court and directed to decide along with the appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Subordinate Judge, Aranthangi, Pudukottai District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-10119[F])

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SP (07.05.2020) 2P-3C