

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P. (PD) No.366 of 2019
and C.M.P.No.2605 of 2019

1.Palaniammal
2.Arumugam
3.Ponnayal

... Petitioners

Vs

Muthusamy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal dated 24.10.2018 made in I.A.No.480 of 2016 in O.S.No.43 of 2015 on the file of the Principal District Munsif, Tiruchengode.

For Petitioners : M/s.R.Marudhachalamurthy

For Respondent : No Appearance

ORDER

The Court Notice issued to the respondent had been served on 27.02.2019. Proof is available in the Court records. The Private Notice has been served on 08.02.2019. Proof is also available in the Court records. The name of the respondent with the address printed in the cause list. There is no appearance.

2. Heard Mr.R.Marudhachalamurthy, learned counsel for the Revision Petitioners.

3. The Revision Petitioners are the plaintiffs in O.S.No.43 of 2015 now pending on the file of the learned Principal District Munsif at Tiruchengode. The suit had been filed seeking a permanent injunction restraining the defendants from interfering with the peaceful possession of the plaintiffs with respect to the suit property. The defendant had entered appearance and file written statement.

4. On perusal of the written statement the plaintiffs thought it was necessary to file a reply statement. Accordingly, they filed I.A.No.480 of

2016 under Order 8 Rule 9 of CPC seeking leave to the Court to file reply statement. The said application came to be dismissed by an order dated 24.10.2018 necessitating the filing of the present Revision Petition.

5. The Revision Petition has been pending for the past two years and there has been stay of the proceedings of the trial Court. Respondents though served, have taken a conscious decision not to appear before this Court.

6. The learned District Munsif, Tiruchengode dismissed the application stating it had been filed only to prolong trial. But it is to be noted that pleadings form an important fact of any trial. No evidence can be let in if not pleaded. Parties must be afforded opportunity to sufficiently plead all facts to their knowledge. If in the written statement a new fact has been pleaded, then opportunity must be given to the plaintiff to file a reply statement.

7. It is seen that the present Revision Petition has been pending for the past two years and there has been no progress of the trial in the Munsif Court.

8. Therefore, I would allow the Revision Petition and direct the learned District Munsif, Tiruchengode to take the Reply Statement on records, and then frame issues and thereafter invite the parties to graze the witness box. Since the suit has been pending without any effective progress for the past six years, a direction is given to the District Munsif, Tiruchengode to dispose of the suit on or before 31.12.2021.

9. With the above observations, this Civil Revision Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

28.06.2021

Internet: Yes/No
Index: Yes/No
rna

To

The Principal District Munsif,
Tiruchengode.

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C.V.KARTHIKEYAN,J.

rna



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