

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRP (PD) No.1087 of 2016
and
CMP.No.5996 of 2016

1.Sengeni,
W/o.Sundaram Gramani

2.Kannan @ Krishnamurthy,
S/. Sundaram Gramani

3.Ravi @ Swaminathan,
S/o. Sundaram Gramani

4.Somasundaram,
S/o. Sundaram Gramani

5.Subramanian,
S/o. Sundaram Gramani

... Petitioners / Plaintiffs

Vs.

1.Sri Drobathi Amman Devasthanan,
Rep by its President Ramadoss

2.Veerapathiran @ Sekar,
Vice President of Drobathi Amman Devasthanam

3.Selvaganapathy,
Secretary of Drobathi Amman Devasthanam

4.Nethaji,
Treasurer of Drobathi Amman Devasthanam

5.Kamalakannan,
Member of Drobathi Amman Devasthanam

6.Shanmugam,
Panchayat Leader of Drobathi Amman Devasthanam

7.Mani,
Committee Member of Drobathi Amman Devasthanam

...Respondents / Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to prefer this memorandum of grounds of Civil Revision Petition against the fair and decreetal order of the learned Principal District Munsif Judge, Puducherry dated 05.02.2016 made in I.A.No.611 of 2015 in O.S.No.727 of 2015.

For Petitioners : M/s.G.Sumitra

For Respondents : Mr.V.Raghavacharai

ORDER

(This case has been heard through video conference)

The Civil Revision Petition has been filed by the Petitioners/Plaintiffs against the fair and decreetal order in I.A.No.611 of 2015 in O.S.No.727 of 2015, dated 05.02.2016 passed by the learned Principal District Munsif Judge, Puducherry.

2.Learned counsel appearing for the petitioners / plaintiffs would submit that the Civil Revision Petition has been filed against the order passed in I.A.No.611 of 2015 in O.S.No.727 of 2015, dismissing the petition filed seeking for appointment of Advocate Commissioner. However, the learned counsel would submit that pending the Civil Revision Petition, the suit in O.S.No.727 of 2015 was dismissed for default on 08.02.2021. She would further submit that the revision petitioners / plaintiffs have filed I.A.No.525 of 2021, seeking to restore the suit in O.S.No.727 of 2015 which was dismissed for default on 08.02.2021. However, she would submit that as on today nothing survives in this petition for adjudication and would pray that as and when the suit is restored, the revision petitioners / plaintiffs may be permitted to restore the Civil Revision Petition.

3.Learned counsel appearing for the respondents / defendants would submit that even on merits, the Civil Revision Petition is not maintainable. The suit in O.S.No.727 of 2015 has been filed only for a bare injunction and an application in I.A.No.611 of 2015 in O.S.No.727 of 2015 has been filed seeking for appointment of an Advocate Commissioner.

A.D.JAGADISH CHANDIRA,J.,

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4.At this juncture, the learned counsel for the petitioners / plaintiffs would submit that she is not arguing the case on merits and she has only prayed that the petitioners may be permitted to restore the Civil Revision Petition as and when the suit is restored to file.

5.Accordingly, this Civil Revision Petition stands dismissed. However, liberty is granted to the petitioners to restore the Civil Revision Petition if the suit in O.S.No.727 of 2015 is restored to file. Consequently, the connected miscellaneous petition is also dismissed. No cost.

09.04.2021

Index:Yes/No
Internet:Yes/No
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To

1.The Principal District Munsif, Puducherry.

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