

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1090 of 2016
and CMP.No.6003 of 2016

1.Devathal
2.Kannammal

..Petitioners

Vs.

Duraisamy

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 15.02.2016 in IA.No.204 of 2016 in OS.No.154 of 2015 on the file of the Sub Court, Avinasi, Tirupur District.

For Petitioners : Mr.S.Kaithamalai Kumaran

For Respondent : Notice served

ORDER

This civil revision petition is filed against the fair and final order dated 15.02.2016 in IA.No.204 of 2016 in OS.No.154 of 2015 on the file of the Sub Court, Avinasi, Tirupur District thereby allowing the petition to condone the delay and to receive the documents filed by the respondent herein.

2. The petitioners are the plaintiffs and the respondent is the 7th defendant in the suit filed by the petitioners for partition. While pending the suit, the respondent filed petition to receive additional documents with delay. The same was allowed without giving opportunity to the petitioners to file their counter.

3. Though notice was served to the respondent and name was printed in the cause list, no one appeared on behalf of the respondent before this Court in person or through pleader.

4. On perusal of the order passed by the trial court revealed that there is a direction issued by this Court to dispose of the main suit and also parties are senior citizens and therefore the petition was allowed without giving opportunity to the petitioners to file their counter.

5. Considering the same, the order dated 15.02.2016 passed in IA.No.204 of 2016 in OS.No.154 of 2015 on the file of the Sub Court, Avinasi, Tirupur District is set aside and IA.No.204 of 2016 is remanded back to the trial court for fresh consideration after giving opportunity to

the petitioners and to pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

05.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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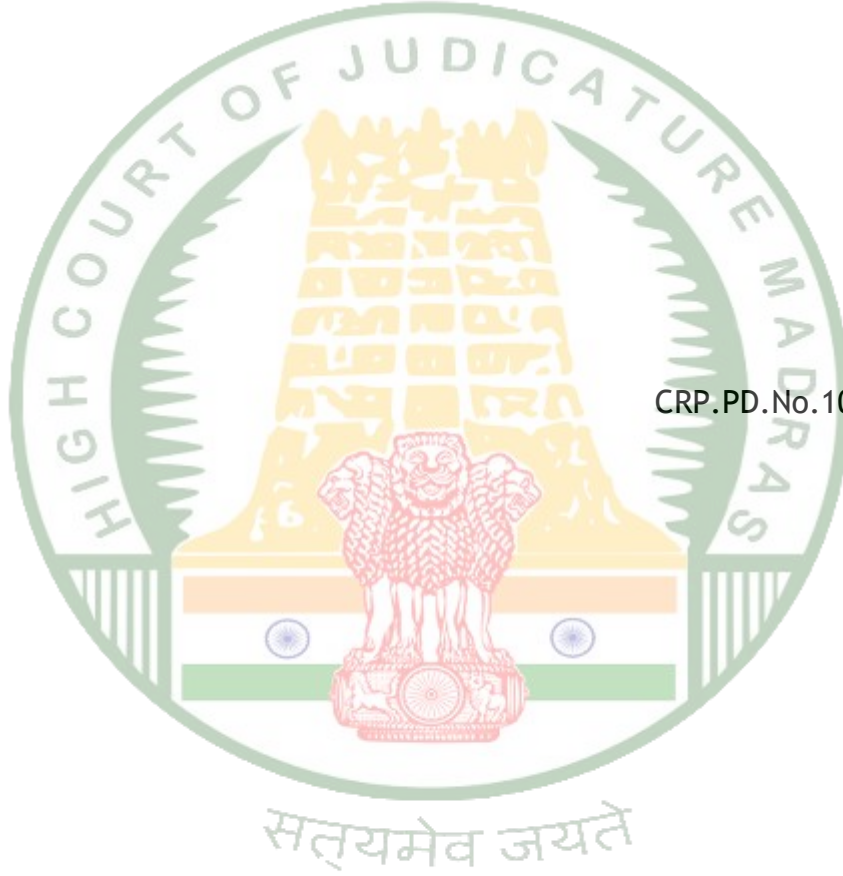
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G.K.ILANTHIRAIYAN,J.

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To

The Sub Court, Avinasi,
Tirupur District.



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