



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(PD).No.3265 of 2016

and

C.M.P.No.16590 of 2016

1.Rathinam
2.Ranjitham
3.Rajendran

...Petitioners/Defendants

Versus

1.Viswanathan
2.Saminathan

...Respondents/Plaintiffs

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 13.08.2016, passed in I.A.No.669 of 2016 in O.S.No.111 of 2013, on the file of the Principal District Munsif Court, Erode and allow the same.

For Petitioners : Mr.V.Regunathan

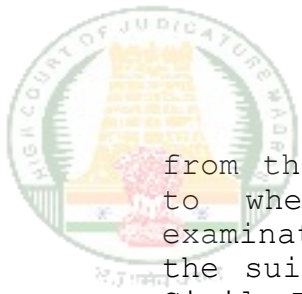
For Respondents : Mr.V.Kadhirvelu

ORDER

Today, when the matter came up for hearing, the learned counsel for the petitioner submits that the first petitioner in the Civil Revision Petition, namely Mr.Rathinam and third petitioner in the petition, viz., Rajendran have passed away and he sought time for bringing their legal heirs on record.

2.But, however, it is seen that the Civil Revision Petition is filed as against the order of dismissing the application in I.A.No.669 of 2016, for reopening the defendant's side evidence and when the matter came up for admission before this Court, this Court had directed the petitioners herein to furnish the names of the witnesses, whom they wanted to examine and they have filed list of witnesses viz., Palaniammal, Chenniyappagounder, K.Kandasamy and Somasundaram, by memo dated 24.10.2016, itself. It is now seen that the suit is of the year 2013 and the matter is kept pending on account of the stay granted in the present proceedings.

3.Under these circumstances, when this Court wanted to know



from the learned counsel for the respondents, whose presence as to whether he would still have any objection for this examination of these four witnesses, especially, in the light of the suit being kept pending, on account of the pendency of the Civil Revision Petition, even though, he submitted that the application was belatedly filed, he would be agreeable, if a direction would be given to dispose of the suit itself within a time frame. Under these circumstances, the following orders are passed; (i) the Civil Revision Petition is allowed and the order of the learned Principal District Judge, Erode in I.A.No.669 of 2016, dated 13.08.2016 is set aside and the defendants are permitted to examine the four witnesses mentioned above; (ii) the defense shall within a week, from the date of receipt of the copy of the order, furnish the particulars of the legal heirs of the deceased petitioners viz., M.Rathinam and Rajendran, to the learned counsel, who is appearing for the plaintiff, before the Lower Court and the plaintiff shall take steps to bring on record the legal heirs of the deceased in the suit, so that the suit can be taken up on file and proceeded on the merits in accordance with law.

4.In view of the fact, the suit is of the year 2013, the learned Principal District Judge, Erode, is requested to take up the suit and dispose it of as early as possible, in any event, not later than three months from the date of receipt of copy of the order.

5.With the above observation and direction, the Civil Revision Petition is ordered accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

klt

To

The Principal District Munsif, Erode.

+1cc to Mr.V.Regunathan, Advocate, S.R.No.55959

+1cc to Mr.V.Kadhirvelu, Advocate, S.R.No.56591

C.R.P.(PD).No.3265 of 2016
and C.M.P.No.16590 of 2016

PA(CO)

RGA(02/11/2021)