

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

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

C.R.P.D.Nos.3565 & 3566 of 2018
and
CMP Nos.19973 & 19976 of 2018

CRP.No.3565 of 2018

Ramalingam

...

Petitioner

Vs

1.S.Sampathkumar

2.S.Harikumar

...

Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the civil revision petition by setting aside the fair order and decree dated 05.10.2018 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in IA.No.431 of 2018 in OS.No.37 of 2014.

For Petitioner : Mr.N.Kumar Rajan

For Respondents : No appearance

CRP.No.3566 of 2018

Ramalingam

...

Petitioner

Vs

1.S.Sampathkumar

2.S.Harikumar

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the civil revision petition by setting aside the fair order and decree dated 05.10.2018 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in IA.No.436 of 2018 in OS.No.37 of 2014.

For Petitioner : Mr.N.Kumar Rajan

For Respondents : No appearance

COMMON ORDER

The Civil Revision Petition in CRP.No.3565 of 2018 is filed against the fair order and decree dated 05.10.2018 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in IA.No.431 of 2018 in OS.No.37 of 2014, thereby dismissing the petition to reopen the suit. The civil revision petition in CRP.No.3566 of 2018 is filed against the fair order and decree dated 05.10.2018 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in IA.No.436 of 2018 in OS.No.37 of 2014, thereby dismissing the petition filed to dismiss the counter claim for non filing of written statement.

2. The petitioner in both the civil revision petitions is the plaintiff.

The respondents are the defendants. The petitioner filed suit for permanent injunction in respect of the suit property. On receipt of the same, the respondents filed written statement in the form of counter claim. On perusal of the counter claim filed by the respondents, though titled as counter claim, they denied all the averments in the plaint and subsequently stated their case with counter claim. Thereafter, the trial commenced and when the suit was posted for arguments, the petitioner filed petition to dismiss the counter claim for non filing of written statement in the main suit and also to reopen the suit.

3. On perusal of the counter claim filed by the respondents, revealed that they denied all the averments made in the plaint as well as made counter claim. Therefore, the court below rightly dismissed the petitions and this Court finds no infirmity or illegality in the orders passed by the court below.

4. Accordingly, both the civil revision petitions are dismissed. The

court below is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order, if not already disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

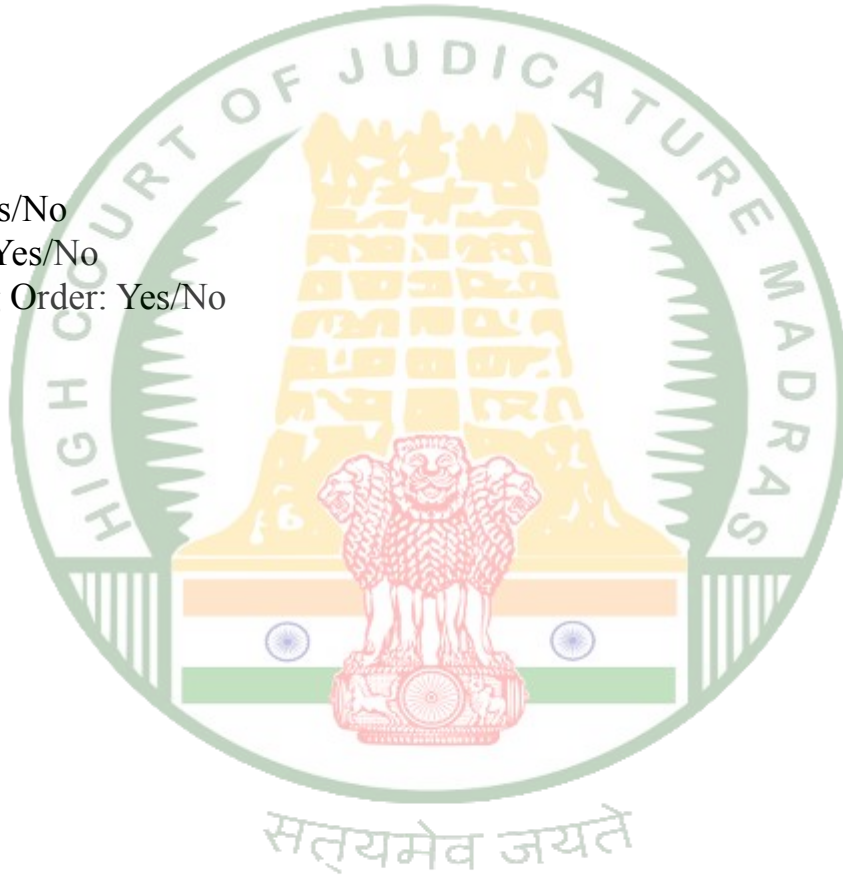
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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No



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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif cum Judicial Magistrate,
Uthiramerur



C.R.PD.Nos.3565 & 3566 of 2018

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02.07.2021