



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI
CMA(MD)Nos.350 of 2021 & 707 of 2020 &
CMP(MD)Nos.2866 of 2021 & 7187 of 2020

WEB COPY

CMA(MD)No.350 of 2021

AN.Somasundarm

... Appellant/1st Respondent/Defendant

vs.

1.Rani Meyyammai Achi of Chettinad Trust,
Rep. by its Secretary, V.Palaniyappan

2.R.M.Palaniyappan,
Trustee, Rani Meyyammai Achi of Chettinad Trust

3.L.Muthukrishnan,
Trustee, Rani Meyyammai Achi of Chettinad Trust

4.V.Chandramooleeswaran,
Trustee, Rani Meyyammai Achi of Chettinad Trust

... Respondents 1 to 4/Petitioners 1 to 4/
Plaintiffs 1 to 4

5.Tamil Isai Sangam,
Rep. by its Manager,
A.S.Palaniyappan,
Dr.Ambedkar Salai,
Madurai - 625 020.

... 5th Respondent/1st Respondent/Defendant

6.A.Natarajan

7.T.Thenappa Chettiar

8.K.Chidambaram

9.Dr.R.Ramanathan

10.RM.Lakshmanan ... Respondents 2 to 7/Defendants 2 to 7/
Respondents 6 to 10

PRAYER : Civil Miscellaneous Appeal filed under Order 9 Rule 13 of CPC to set aside the fair and decreetal order of the learned Principal District Judge, Madurai in IA.No.690 of 2020 in OS.No.48 of 2019, dated 27.08.2020 and dismiss the same.

For Appellant :Mr.R.Srinivas for
Mr.G.Ganesh Kumar

For R1 to R3 :Mr.Isaac Mohanlal, Senior Advocate
for M/s.Aishwarya Sandaleena

For R5 :Mr.V.Selvaraj
for Mr.S.Sithirai Anandam

For R4, R6 to R10 :No appearance



CMA (MD) No.707 of 2020

Tamil Isai Sangam,
Rep. by its Manager,
A.S.Palaniyappan,
Dr.Ambedkar Salai,
Madurai - 625 020.

... Appellant/1st Respondent/Defendant

vs.

1.Rani Meyyammai Achi of Chettinad Trust,
Rep. by its Secretary, V.Palaniyappan

2.R.M.Palaniyappan,
Trustee, Rani Meyyammai Achi of Chettinad Trust

3.L.Muthukrishnan,
Trustee, Rani Meyyammai Achi of Chettinad Trust

4.V.Chandramooleeswaran,
Trustee, Rani Meyyammai Achi of Chettinad Trust

... Respondents 5 to 10/Petitioners 1 to 4/
Plaintiffs 1 to 4

5.A.Natarajan

6.T.Thenappa Chettiar

7.K.Chidambaram

8.Dr.R.Ramanathan

9.RM.Lakshmanan

10.AN.Somasundarm

... Respondents 5 to 10/Respondents 2 to 7/
Defendants 2 to 7

PRAYER : Civil Miscellaneous Appeal filed under Order XLIII Rule 1 of CPC to set aside the fair and decretal order of the learned Principal District Judge, Madurai in IA.No.690 of 2020 in OS.No.48 of 2019, dated 27.08.2020 and dismiss the same.

For Appellant	: Mr.V.Selvaraj for Mr.S.Sithirai Anandam
For R1 to R3	: Mr.Isaac Mohanlal, Senior Advocate for M/s.Aishwarya Sandaleena
For R10	: R.Srinivas for Mr.G.Ganesh Kumar
For R4 to R9	: No appearance

C O M M O N J U D G M E N T

Both the Civil Miscellaneous Appeals are filed by the appellants to set aside the order dated 27.08.2020 in IA.No.690 of 2020 in OS.No.48 of 2019.



2. For the sake of convenience, the parties are called as per their ranks before the lower Court.

3. IA.No.690 of 2020 was filed by the plaintiffs under Order 39 Rules 1 and 2 read with Section 151 of CPC, to grant interim injunction. The defendants 1 to 3 and 5 to 7 filed petition in IA.No.2832 of 2019 under Order 7 Rule 11(a)(b)(c)(d) and Section 151 of CPC, to reject the plaint. In IA.No.690 of 2020, notice was taken by the plaintiffs on 21.08.2020 and the defendants prayed time for filing counter. The case was adjourned to 27.08.2020 and taken up for hearing within six days. It is seen from the daily case status that, on 27.08.2020, all the cases were adjourned due to Covid-19 lock down, except IA.No.690 of 2020. Even though there was no representation on the side of the defendants 1 to 3 and 5 to 7 and no documents were marked on the side of the plaintiffs, the then Principal District Judge, Madurai had taken up the case and allowed the application on 27.08.2020. Since, without hearing the defendants, Interlocutory Application was allowed by the then Principal District Judge, Madurai, this Court is inclined to set aside the order passed in IA.No.690 of 2020 on 27.08.2020 and remand the matter to the file of Principal District Court, Madurai.

4. The learned Principal District Judge, Madurai is directed to restore IA.No.690 of 2020 on file, and give an opportunity for the defendants/appellants herein, to file counter and dispose IA.No.690 of 2020 along with IA.No.2832 of 2019, filed by the defendants 1 to 3 and 5 to 7, on merits, within a period of one month from the date of receipt of a copy of this Order. The defendants/appellants herein are directed to file counter within 10 days from the date of receipt of a copy of this Order.

5. With the above direction and observation, both the Civil Miscellaneous Appeals are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Principal District Judge,
Madurai.

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.A. AISHWARYA SANDALEENA, Advocate (SR-34627 & 34628[F]
dated 16/11/2021)

+1cc to M/s.ARUNSWAMINATHAN, Advocate, SR.No.34861 DATED:17.11.2021
CMA (MD) Nos.350 of 2021 & 707 of 2020
16.11.2021

MA (CO)

GC/SKN(17.11.2021) 4P 6C