



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

C.R.P. (MD) .No.961 of 2021

C.M.P. (MD) .No.5397 of 2021

WEB COPY

Pappathi @ Parvathi (died)

1.Thavamani

2.Annapackiam

3.Muthan

4.Lakshmi

5.Karuppasamy

6.Annamayakkal

7.Periyamuthiah

8.Chinnamuthiah

... Petitioners/Defendant

vs.

Veerasakthi

... Respondent/Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of rejection dated 05.02.2021 made in I.A.No.19 of 2021 in O.S.No.34 of 2016 on the file of the Additional District Court, Periyakulam and allow the revision and direct the learned Additional District Judge, Periyakulam to take the petition on file and dispose the same.

For Petitioners :Mr.P.Arun Jayatram

For Respondent : Mr.R.Murali

O R D E R

This revision petition has been filed to set aside the order of rejection dated 05.02.2021 made in I.A.No.19 of 2021 in O.S.No.34 of 2016 on the file of the Additional District Court, Periyakulam and allow the revision and direct the learned Additional District Judge, Periyakulam to take the petition on file and dispose the same.

2. The revision petitioners filed I.A.No.19 of 2021 in O.S.No.34 of 2016 seeking for appointment of Commissioner which was rejected by the Additional District Court, Periyakulam only on the ground of delay in filing the commission petition. The commission petition was already numbered. After numbering the commission



petition, the Court has to give sufficient time to file counter affidavit. Only after hearing the both sides, the petition has to be decided and it cannot be rejected on the ground of delay and without hearing the parties.

3. Accordingly, this Civil Revision Petition is allowed and the order passed in I.A.No.19 of 2021 in O.S.No.34 of 2016 is set aside. The Additional District Court, Periyakulam is directed to reopen the matter in I.A.No.19 of 2021 and give sufficient opportunity to the respondent to file counter and decide the matter on merits. Consequently, connected civil miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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 Additional District Judge, Periyakulam

+1 CC to M/s.R.MURALI, Advocate (SR-28850[F] dated 13/09/2021)

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DJ(CO)

KB(15.09.2021) 2P 3C