



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1126 of 2020

K.N.Allahbux

Rep. by Power of Attorney

A.Mohamed Safiudeen

... Petitioner/1st respondent/
1st Defendant

-Vs-

1. K.N.Dawood Mohideen

2. K.N.Abdul Hai ... Respondents 1 & 2/Petitioners 1 & 2/
Plaintiffs

3. K.N.Abdul Ali

4. Habib Gani

5. Asia Mariam

6. Sarammal

7. K.Azhagar

8. Alimuthu Nisha (died) ...Respondents 3 to 8/
Respondents 2 to 8/Defendants 2 to 7

9. M.Asraj Ali

10. Jannath Kamila

11. M.Mohammed Siddique ...Respondents 9 to 11/
Respondents 9 to 11/
Lrs of deceased 8th respondent/7th defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 05.03.2020 in I.A.No.159 of 2019 in O.S.No.62 of 2011 on the file of the Additional District Judge, Dindigul and allow this Civil Revision Petition with costs throughout.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.S.Natarajan for R6

No Appearance - for R1 to R3, R7,R9& R10

O R D E R

This Civil Revision Petition has been filed to set aside the order dated 05.03.2020 passed in I.A.No.159 of 2019 in O.S.No.62 of 2011 on the file of the Additional District Judge, Dindigul.



2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would state that he has no objection in allowing the impleading application in I.A.No.159 of 2019 in O.S.No.62 of 2011, provided, if the respondents would file an appropriate application under Order XXII Rule 9 of Code of Civil Procedure and another application under Section 5 of the Limitation Act,1963 to set aside the exparte order before the Court below .

3. Recording the said submission, this Civil Revision Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Additional District Judge, Dindigul.

+1 CC to M/s.A.SRINIVASAN, Advocate SR-13080[F] dated 23/03/2021

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate SR-13184[F] dated 24/03/2021

+1 CC to M/s.NA.PALANIYANDI, Advocate SR-13656[F] dated 25/03/2021

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23.03.2021

KUN (CO)

TR(22.04.2021) 2P 5C