



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.1302 of 2021 and
CMP (MD) .No.7523 of 2021

Sivakumar : Petitioner/Petitioner/6th Defendant

Vs.

1.Sureshkumar : 1st Respondent/ 1st Respondent/Plaintiff
2.Ramadhas
3.Sulochana
4.Gopalakrishnan
5.Jeyakumari
6.Subhakumari : Respondents 2 to 6/Respondents 2 to 6/
Defendants 2 to 6

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.11 of 2021 in O.S.No.60 of 2020 dated 26.03.2021 on the file of the District Munsif Court, Eraniel, and confirmed the order dated 13.08.2021 in CMA.No.1 of 2021 on the file of the Subordinate Court, Eraniel.

For petitioner : Mr.R.S.Pandiyaraj

ORDER

The revision petitioner, who is the 6th defendant is the appellant in CMA.No.1 of 2021. He has filed this revision to set aside the order dated 26.03.2021 passed in I.A.No.11 of 2021 in O.S.No.60 of 2020, on the file of the District Munsif Court, Eraniel, Kanyakumari.

2. Heard the learned counsel for the petitioner.

3. Since the order going to be passed will not cause any prejudice to the rights of the respondents, no notice need be sent to the respondents.

4. The said Interlocutory Application in I.A.No. 11 of 2021 was filed by the 1st respondent / plaintiff under Order 39 Rule 2(A) CPC, which was allowed by the District Munsif Court, Eraniel. Against which, the 6th defendant filed CMA.No.1 of 2021, which was



dismissed by Sub Court, Eraniel on 13.08.2021. Aggrieved by this order, the present Civil Revision Petition is filed.

5. The Sub Court, Ereniel has already granted four months time to dispose of the suit in O.S.No.60 of 2020. As per the order passed in CMA, the learned District Munsif, Ereniel is directed to dispose of the suit in O.S.No.60 of 2020, on the file of the District Munsif Court, Eraniel, Kanyakumari. Till that time, the order passed in I.A.No.11 of 2021 is to be kept in abeyance. The Court can decide for mandatory direction as ordered in I.A.No.11 of 2021, only after full trial,

6. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

trp

To

1.The District Munsif, Eraniel, Kanyakumari District.

2.The Subordinate Judge, Eraniel, Kanyakumari District.

Copy to:

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

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MGJ(30.09.2021) 2P 4C