



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.2110 of 2021

and

C.M.P. (MD) No.11162 of 2021

N.Marivel

.. Petitioner/1st Respondent/
Petitioner/Plaintiff

-vs-

1.D.Nagarajan

.. 1st Respondent/Petitioner/
3rd Party

A.Palaniappan (Died)

2.A.James

3.M.P.Chandrasekar

.. Respondents 2 & 3/Respondents
3 & 4/Respondents 3 & 4/
Defendants 1 & 2

Prayer :- Petition filed under Article 227 of the Constitution of India to call for the records relating to the E.A.No.1 of 2020 in E.P.No.8 of 2019 in O.S.No.119 of 2014 on the file of the Additional District Court, Dindigul and strike off the same.

For Petitioner

: M/s.R.Jenifer Bibin

ORDER

The revision petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India to strike off the claim petition filed under Section 47 of the Code of Civil Procedure in E.A.No.1 of 2020 in E.P.No.8 of 2019 in O.S.No.119 of 2014, by the 1st respondent herein.

2.Perusal of the claim petition, which has been filed before this Court, would indicate that the learned Additional District Judge, Dindigul, has himself posted the matter only for arguments regarding maintainability and therefore, the present Civil Revision Petition is premature. However, perusal of the B-Diary extract would indicate that the matter is pending enquiry for a very long time. Therefore, a direction is issued to the learned Additional District Judge, Dindigul, to pass orders on the maintainability



positively on the next hearing date.

3.The Civil Revision Petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 Court, Dindigul.

+1 CC to M/s.R.JENIFER BIBIN, Advocate (SR-40399[F] dated 23/12/2021)

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AC (CO)

TR(03.01.2022) 2P 3C