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C.R.P(PD)No.877 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(NPD)No.877 of 2022

1. R.Loganayagi
2. Maheshwari
3. P.Selvi
4. Jayalakshmi
5. R.Neelamegam

... Petitioners

Vs.

1. R.Jayaraman
2. R.Kothandam
3. R.Ashokan
4. Sathyavani
5. Manimegalai
6. J.Loganathan
7. J.Ramesh
8. J.Selvi
9. R.Pannerselvam
- 10.Seethalakshmi

.... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to direct the learned Additional Subordinate Judge, Chengalpattu to number the I.A.SR.No.3173 of 2021 in I.A.No.467 of 2017 in O.S.No.416 of 2003 and afford an opportunity to the petitioner to be heard on merits.



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For Petitioners : Mr.M.Arunachalam

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ORDER

The grievance of the revision petitioners / defendants 7 to 11 in O.S.No.416 of 2003 is that in an application for passing a final decree in I.A.No.467 of 2017, a copy of the Commissioner's report was not served on these defendants and that before they could even obtain a copy of the report, the Court posted the matter after fifteen (15) days since the filing of the Commissioner's report and these defendants did not have the copy of the Commissioner's report to raise their objections to it and they could not file the same. The trial Court proceeded to record that there is no objection to the same, closed the objection and passed a final decree soon thereafter. These defendants have therefore filed an application in I.A.SR.No.3173 of 2021 to set aside the final decree passed which was passed without a proper and effective hearing to them. This I.A.SR.No.3173 of 2021 is not yet numbered and hence this petition.

2.It needs to be underscored that the procedural must handled in such a way that it first accommodates fair and effective hearing. Unless such opportunities are either wasted or exploited by the litigants. The turn of



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events as could be seen in this case almost reads like “*Solomon Grundy, Born on Monday...*” variety. By not numbering an application, the Court only tried to embarrass itself more for it to continue to breach the Rule of law on fair hearing to the litigant.

3.This Court therefore directs the trial Court to number the I.A.SR.No.3173 of 2021 in I.A.No.467 of 2017 in O.S.No.416 of 2003 within a period of one week from the date of communication and dispose of the same strictly in accordance with law after according an opportunity of hearing to all the parties concerned.

4.This Civil Revision Petition is disposed of accordingly at the admission stage itself. No costs.

24.03.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

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N.SESHASAYEE, J.,



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To

The Additional Subordinate Judge,
Chengalpattu.

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