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C.R.P.No.1800 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.1800 of 2015
and M.P.No.1 of 2015

1. Manimaran
2. Mohideen Fatima
3. Splash Beauty Parlour,
represented by Sreekala
Shop No.104, Platinum Abode,
New No.8, Old No.7
Nelson Manickam Road,
Choolaimedu,
Chennai-600 094.

.. Petitioners

Vs.

1. C.Shaheena Kouser
2. P.Naushath
3. C.M.Ahamed Kabeer
4. Syed Abdul Kader
5. M/s Pacific Builders (P) Ltd,
Represented by its Director Basha,
No.5, IDM Building, 1st Floor,
Moors Road,
Chennai-600 006.



C.R.P.No.1800 of 2015

WEB COPY

6. M/s Greata Enterprises and Developers Pvt.Ltd.,
Director and Authorised Signatory,
A.Sadaq Ismail,
New No.53, Old No.28, Veerabadran Street,
Nungambakkam, Chennai-600 034.

7. A.Jawahardeedn
Flat No.111, Platinum Abode,
New No.8, Old No.7,
Nelson Manickam Road,
Choolaimedu,
Chennai-600 034.

8. Azeeza Umaitha
No.Q-214, Kannadasan Street,
MMDA Colony, Arumbakkam,
Chennai-600 106.

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 13.04.2015 passed in I.A.No.10955 of 2014 in O.S.No.4361 of 2006 by the VII Assistant Judge, City Civil Court, Chennai and allow the Civil Revision Petition.

For Petitioners : Mr.L.Dhamodaran

For Respondents

R1 to R3 : Mr.C.Ramesh
R4 : No appearance
R6 : No appearance
Notice served



C.R.P.No.1800 of 2015

WEB COPY

ORDER

This Civil Revision Petition has been filed as against the order dated 13.04.2015 passed in I.A.No.10955 of 2014 in O.S.No.4361 of 2006 by the learned VII Assistant Judge, City Civil Court, Chennai, thereby dismissing the petition to receive the documents filed by the 9th defendant.

2. The respondents 1 to 3 are the plaintiffs in the suit filed for mandatory injunction and permanent injunction. After closing the evidence of the plaintiffs, the defendants 6 to 9 filed an application to receive the sale deed dated 23.09.2005 which was registered vide Document No.3983 of 2005. It was dismissed on the ground that already the 6th defendant filed a proof affidavit and thereafter he died. Therefore, his proof affidavit was eschewed. Subsequently, the legal heirs of the deceased 6th defendant were not impleaded as parties in the suit.

3. There is no way connected with the defendants 6 to 9. They separately filed an application to receive the documents. Therefore, the reason stated by the Court below are not good enough to dismiss the petition filed by the petitioners herein. That apart, no prejudice will be



C.R.P.No.1800 of 2015

WEB COPY

caused to the respondents, if the petitioners are allowed to file the documents.

4. Hence, the order passed by the Court below cannot be sustained and it is liable to be set aside. Accordingly, the order dated 13.04.2015 passed in I.A.No.10955 of 2014 in O.S.No.4361 of 2006 by the learned VII Assistant Judge, City Civil Court, Chennai, is hereby set aside. The Trial Court is directed to dispose of the suit in O.S.No.4361 of 2006, within a period of three months from the date of receipt of a copy of this order.

5. In view of the above, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

14.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.



WEB COPY



C.R.P.No.1800 of 2015

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To

The VII Assistant Judge, City Civil Court, Chennai.

C.R.P.No.1800 of 2015
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