



CRP(PD)No.1478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.1478 of 2022
and C.M.P.Nos.7600 & 7602 of 2022

Amsavalli

... Petitioner

Versus

1.Paramasivam

2.Ramalingam,

3.Ramadoss,

4.M/s.Servo Packaging Ltd.,
Rep. by its Director,
2/6-B, Thottakal road,
karamanikuppam,
Mudaliarpeta,
Puducherry – 605 004.

5.R.Sundaramurthy,

6.R.Sambandhamurthy,

7.R.Thirugnanasambandam,

8.Gowri,

9.Kasthuribai,

10.Renuka,



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11.Adhilakshmi,

Appar (died)

Manicavasagam (died)

Rep. by LRs 12 to 14

12.Selvi,

13.Balamurugan (minor)

14.Abirami (minor)

Minors 13 & 14 rep. by
their next friend / mother
respondent No.12

15.Latha @ Karthika,

16.Kumarakurubaran,

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and decretal order in I.A.No.282 of 2020 in A.S.No.54 of 2018 dated 22.12.2021 on the file of the II Additional District Judge, Puducherry.

For Petitioner : Mr.N.Suresh

For R4 : Mr.T.P.Manokaran
Senior Counsel
for T.M.Naveen

ORDER

The plaintiff having lost a suit in O.S.No.21 of 2008 on the file of Additional Sub Court, Puducherry, has preferred A.S.No.54 of 2018 before the II



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Additional District Court, Puducherry.

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2.Before the Appellate Court, the revision petitioner / plaintiff / appellant took out an application in I.A.No.282 of 2020 for receiving five documents relating to the Suit property which are the essential materials in this Case under Order 41 Rule 27 C.P.C. The 1st Appellate Court vide its impugned order dated 22.12.2021 has closed the said application on the ground that the appeal itself is ripe for final hearing.

3.This Court is informed that only the 5th defendant / 4th respondent is contesting the Suit and it is represented before this Court now.

4.Heard both sides. Perused the materials placed on record.

5.This Court considers that the learned Appellate Judge has short circuited the procedure and ought not to have closed I.A.No.282 of 2020 preferred by the Revision petitioner under Order 41 Rule 27 C.P.C. and should have taken it along with the appeal during final disposal.

N.SESHASAYEE, J.,



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6.Hence, the Civil Revision Petition is allowed at the admission stage itself. Order passed in I.A.No.282 of 2020 is set aside and the matter is remanded back to the Appellate Court, which shall take it up for hearing along with A.S.No.54 of 2018. No costs.

29.04.2022
(1/2)

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

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To

The II Additional District Court
Puducherry.

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