



C.R.P(PD).No.1785 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1785 of 2022
and C.M.P.No.9016 of 2022

1.Francis Regina
2.Sridhar
3.Sethuraman

... Petitioners

..Vs..

1.A.Arokyamary
2.T.Kalaiselvi
3.A.Gopinathan
4.S.Uma Maheswari
5.The Tahsildar,
No.3, Raja Muthaiah Road,
Kannappar Thidal, Periyamet,
Chennai 600 003.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 09.12.2021 made in I.A.No.01 of 2021 in O.S.SR.No.14366 of 2017 passed by the learned I Assistant City Civil Court, Chennai (now numbered as O.S.No.9341 of 2021 on the file of the learned XX Assistant City Civil Court, Chennai).



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C.R.P(PD).No.1785 of 2022

For Petitioners : Mr.K.N.Nataraj

ORDER

This Civil Revision Petition has been preferred, challenging the order dated 09.12.2021 made in I.A.No.01 of 2021 in O.S.SR.No.14366 of 2017 passed by the learned I Assistant City Civil Court, Chennai (now numbered as O.S.No.9341 of 2021 on the file of the learned XX Assistant City Civil Court, Chennai).

2.The revision petitioners are the defendants 2 to 4 in the suit. The respondents 1 to 4 /plaintiffs filed a petition under Section 80(2) CPC in I.A.No.01 of 2021 to dispense with notice and the same was allowed. Aggrieved over this, the revision petitioners/defendants 2 to 4 have preferred this revision.

3.The learned counsel for the petitioners submitted that no reason has been stated by the respondents 1 to 4 for dispensing Section 80(2) CPC and there is no urgency in obtaining the relief from the Government



C.R.P(PD).No.1785 of 2022

and hence, the Court ought not to have dispensed the pre-suit notice to the Government.

4.Before adverting into the facts of the case, it should be made clear that the respondents 1 to 4/ plaintiffs are at liberty to file their petition under Section 80(2) CPC, to dispense notice under Section 80 at the time of presenting the suit. Even before the case is taken on file and the summons are issued to the defendants, the Court has to take a decision in dispense with petition and only thereafter, the suit will get numbered. At these stages, the presence of the defendants is not required. Since the matter is between the Court and the respondents 1 to 4, dispensing the notice under Section 80(2) CPC, will not cause any prejudice to the revision petitioners and I do not find no reason for interference.

5.Accordingly, the Civil Revision Petition is dismissed and the order dated 09.12.2021 made in I.A.No.01 of 2021 in O.S.SR.No.14366



C.R.P(PD).No.1785 of 2022

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of 2017 passed by the learned I Assistant City Civil Court, Chennai (now numbered as O.S.No.9341 of 2021 on the file of the learned XX Assistant City Civil Court, Chennai), is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

15.06.2022

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Index:Yes No

Speaking Order:Yes/No

To

- 1.The I Assistant Judge,
City Civil Court, Chennai
- 2.The XX Assistant Judge,
City Civil Court, Chennai.
- 3.The Section Officer,
VR Section, Madras High Court,
Chennai.

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C.R.P(PD).No.1785 of 2022

R.N.MANJULA,J.

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C.R.P.(PD).No.1785 of 2022
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15.06.2022