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CMP No.14017 of 2022 in CRP No.514 of 2022

C.M.P.No.14017 of 2022
in
CRP.No.514 of 2022

N.SESHASAYEE. J.,

This Civil Miscellaneous Petition is taken today, after due publication of the case in the cause list. Heard the learned counsel for the petitioner. There is no representation for the respondents.

2. This Court, while dismissing a Civil Revision Petition at the stage of admission on 02.03.2022, has directed consolidation of O.S.No.8 of 2020 and O.S.No.27 of 2020.

3. Paragraph No.4 of the order reads as below:

- *“Consequently the Revision cannot be sustained. The Civil Revision Petition stands dismissed at the admission stage itself. **The Court now consolidates both O.S.No.8 of 2020 and O.S.No.27 of 2020 for joint trial.** Consequently, the connected C.M.P.No.2710 of 2022 is also dismissed. No costs”.*



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4. Now, the present Civil Miscellaneous Petition is taken out by the revision petitioner for clarification, wherein he alleges that notwithstanding the order of this Court that the trial court has not consolidated two Suits. The learned counsel for the petitioner submitted that when the revision petitioner approached the trial court with a prayer for consolidation in terms of the order of this Court dated 02.03.2022, an objection appears to have been raised by the respondents to the effect that the 3rd sentence of the order of this Court in paragraph No.4, as extracted above, commences with the phrase 'The Court' not 'This Court'. The learned Principal District Munsif, Bhavani, has taken a view that there is no direction by this Court and it is only an observation not a direction. Hence, in his order made in I.A.No.11 of 2022 in paragraph No.5, the learned Munsif has stated that since the operative portion of the order of this Court commences with 'The Court', it is only an observation.

5. It is now clarified that the expression 'The Court' in the context ought to have been read as 'This Court'. It is very unfortunate that the learned Munsif has treated a positive direction of this Court as an observation. It is not an observation but it is a positive direction to the trial court.



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6. With the above clarification, this Civil Miscellaneous Petition is closed.

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7. The Registry is now required to call for an explanation from the learned Principal District Munsif, Bhavani.

26.08.2022

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