



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

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**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

C.R.P(MD).Nos.395 and 396 of 2022 and  
CMP(MD).No.1744 of 2022 in CRP(MD).No.396 of 2022

Veerammal (died)  
Ramu (died)

C.Balakrishnan : Petitioner in both CRPs  
Vs

1.Lakshmanan  
2.Veerapandi  
3.Danabalan : Respondents in CRP.No.395/22

1.Lakshmanan  
2.Ramu  
3.Balakrishnan : Respondents in CRP.No.396/22

**PRAYER in C.R.P(MD).Nos.395 of 2022:-** Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.12.2021 in I.A.No.1 of 2021 in O.S.No.278 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Thiruchuli.

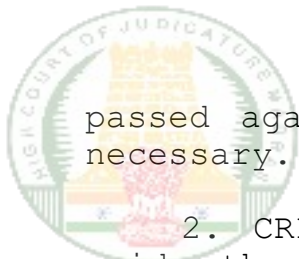
**PRAYER in C.R.P(MD).Nos.396 of 2022:-** Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif Cum Judicial Magistrate Court of Thiruchuli to number the I.A.No. un numbered of 2021, dated 27.07.2021 on the file of the District Munsif cum Judicial Magistrate Thiruchuli agaisnt I.A.No.557 of 2016 on the file of the Additional District Munsif court, Aruppukottai renumbered from I.A.No.648 of 2010 on the file of the Principal District Munsif Court, Aruppukkottai in O.S.No.245 of 2021 on the file of the District Munsif Cum Judicial Magistrate Court, Thiruchuli renumbered from O.S.No.283 of 2010 on the file of the Additional Munsiff Court, Aruppukottai.

For petitioner in both CRPs : Mr. R. Rajaraman

**COMMON ORDER**

Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order is being

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passed against the respondents, notice to the respondents is not necessary.

2. CRP(MD).No.395 of 2022 is filed by the petitioner to set aside the order, dated 09.12.2021 passed in I.A.No.1 of 2021 in O.S.No.278 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Thiruchuli. The said I.A.No.1 of 2021 was filed by the respondents / plaintiffs under Order 6 Rule 17 CPC to amend the plaint, as there is no legal heirs for the deceased 2<sup>nd</sup> defendant in the suit. Only for that alone the amendment petition has to be allowed, for which, there was no objection by the revision petitioner / defendant.

3. CRP(MD).No.396 of 2022 is filed by the revision petitioner to direct the District Munsif Cum Judicial Magistrate, Thiruchuli to number the Interim Application in I.A.No. un numbered of 2021, dated 27.07.2021. The said un-numbered Interlocutory Application was filed by the revision petitioner to set aside the order passed in I.A.No.557 of 2016, which was filed by the respondents / plaintiffs to recognise their power agent, and for which they have filed one un registered power deed also to give power to conduct the case. The said Interlocutory Application was allowed ex parte. Now, the revision petitioner filed this un numbered I.A to set aside the ex parte order passed in I.A.No.557 of 2016. The petitioner had raised some objections regarding the power deed. But, he is not a party to the said power deed. He can raise all his objections in the suit. If necessary, the District Munsif Cum Judicial Magistrate shall frame preliminary issues regarding the maintainability of the suit and decide the matter on merits.

4. With the above observations, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

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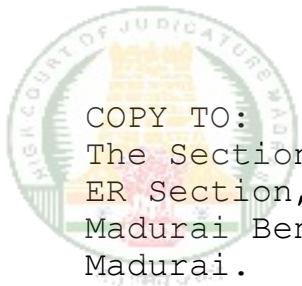
/ /2022

Sub Assistant Registrar(CS)

To

1 The Principal District Munsif Court, Aruppukkottai

2 The District Munsif Cum Judicial Magistrate, Thiruchuli.



COPY TO:  
The Section Officer,  
ER Section,  
Madurai Bench of Madras High Court,  
Madurai.

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+1 CC to M/s.R.RAJARAMAN, Advocate ( SR-9847[F] dated 03/03/2022 )

+1 CC to M/s.R.RAJARAMAN, Advocate ( SR-10050[F] dated 04/03/2022 )

C.R.P(MD).Nos.395 and 396 of 2022 and  
CMP(MD).No. 1744 of 2022 in CRP(MD).No.396 of 2022  
03.03.2022

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MS/28.03.2022/3P.6C