



CRP(PD)(MD)Nos.267 & 268 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)Nos.267 & 268 of 2020 and
CMP(MD) No.1582 of 2020

Ayyalsamy Nayakkar (Died)
Devarajammal (Died)

1.Ananth
2.Suresh
3.Vanitha

... Petitioners in both CRPs

Vs

Ayyappa Naicker (Died)

1.Perumalsamy
2.Ramamoorthy
3.Sarguruammal

... Respondents in both CRPs

Common Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 10.01.2020 made in I.A.Nos. 4 & 5 of 2019 in O.S.No.70 of 1996, on the file of the District Munsif Court, Andipatti.



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For Petitioners : Mr.Ajmal Khan, Senior Counsel
For R1 : Mr.T.Lajapathi Roy
For R2 & R3 : No appearance
(In both CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed as against the order passed by the learned District Munsif, Andipatti in I.A.Nos. 4 & 5 of 2019 in O.S.No.70 of 1996, dated 10.01.2020.

2.The learned counsel appearing for the petitioner submits that the suit in O.S.No.70 of 1996 has been filed by the respondents/plaintiffs as against the petitioners/defendants for the relief of declaration that the plaintiffs are the cultivating tenants of the suit properties and consequential relief directing the defendants to deliver the suit properties to the plaintiffs. When the suit is posted for arguments, the petitioners /defendants have filed two interlocutory applications in I.A.Nos.4 and 5 of 2019 to reopen the defendants' side evidence for marking of documents through the proposed 18th defendant and to receive the order of this Court in W.P.No.13367 of 2009, dated



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01.04.2011 as additional document to the suit. The trial Court dismissed the applications by recording the objections raised by the plaintiffs and also held that those applications have been filed only to protract the suit proceedings. Aggrieved over the same, these Civil Revision Petitions are filed.

3.Today(19.10.2022), when these matters are taken up for hearing, the learned counsel appearing for the respondents submits that he is not having any serious objections for allowing these Civil Revision Petitions. However, he submitted that the suit is of the year 1996 and in view of pendency of these Civil Revision Petitions, the trial is still pending. Therefore, he sought for a direction to the trial Court to conclude the trial and dispose of the suit within a reasonable time.

4.In view of the above representation of the learned counsel for the respondents that he is not having any objections, these Civil Revision Petitions are allowed. The orders passed by the learned District



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Munsif, Andipatti in I.A.Nos. 4 & 5 of 2019 in O.S.No.70 of 1996, dated, 10.01.2020 are hereby set aside. The learned District Munsif, Andipatti shall permit the petitioner to produce additional document and shall dispose of the suit in O.S.No.70 of 1996, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

19.10.2022

Index : Yes / No.

Internet : Yes / No.

vrn

To

The District Munsif Court, Andipatti.



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B.PUGALENDHI, J.

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Common Order made in
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