



WEB COPY

C.R.P(MD)No.595 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.595 of 2022

and

C.M.P (MD)No.2487 of 2022

Marimuthu @ Mariyappan

... Petitioner/Petitioner/Plaintiff

Vs.

1.Kaliyammal

2.Pandithurai

3.Anbu

4.Velathi

5.Muruganandham

6.Assistant Commissioner,

Hindu Religious and Charitable Endowments Department,

Muthusamy Nagar, Sivagangai Post,

Sivagangai District.

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to order and decreetal order dated 29.10.2021 made in I.A.No.6 of 2021 in O.S.No.59 of 2016 on the file of the District Munsif Court, Devakottai and set aside the same and consequently allow the present Civil Revision Petition.

For Petitioner : Mr.J.Anandkumar

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 29.10.2021 made in I.A.No.6 of 2021 in O.S.No.59 of 2016 on the file of the learned District Munsif, Devakottai.

2.I.A.No.6 of 2021 was filed by the revision petitioner/plaintiff under Section 80(2) of CPC, seeking permission to dispense with notice of the sixth respondent, which was dismissed by the learned District Munsif, Devakottai on the ground that there is no urgency. The trial Court ought not to have dismissed the petition, it should give time to follow the procedure. But pending suit, it is urgent to implead HR & CE. Therefore, pending suit, the notice issued to HR & CE., is caused delay in procedure in the suit.

3.In view of the above, the Civil Revision Petition is allowed and the order dated 29.10.2021 made in I.A.No.6 of 2021 in O.S.No.59

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of 2016 passed by the learned District Munsif, Devakottai, is hereby set aside. The Court below is directed to number the impleading petition, proceed in accordance with law and dispose of the matter on merits. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The District Munsif,
Devakottai

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-14053[F] dated 24/03/2022)
C.R.P (MD) No.595 of 2022
and
C.M.P (MD) No.2487 of 2022
24.03.2022

MGJ(25.04.2022) 2P 3C