

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.1777 of 2022 and
CMP(MD) No.7914 of 2022

E.Kannan

... Petitioner

Vs

1.E.Singama Reddiar
2.E.Dhanikodi Reddiar(Died)
3.S.Akila
4.V.Radhi
5.K.Reka
6.E.Ramachandran
7.E.Murali
8.K.Sandhanu
9.D.Manchu
10.D.Kasthuri
11.Vasavi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct VI Additional District Court, Madurai to number the unnumbered IA filed under Order 23 Rule 1-A of CPC having SR No.773 of 2022 in O.S.No.153 of 2018.

For Petitioner : Mr.S.Vasanth Yuges

ORDER

This petition has been filed to direct the learned VI Additional District Judge, Madurai to number the unnumbered IA filed under Order 23 Rule 1-A of CPC having SR No.773 of 2022 in O.S.No.153 of 2018.

2.The learned Counsel appearing for the petitioner submits that the plaintiffs have filed a suit in O.S.No.153 of 2018 against 6 defendants including the petitioner herein for the relief of partition, before the VI Additional District Court, Madurai. Pending the suit, the first plaintiff attempted to sell some of the plaint schedule properties. Hence, the petitioner, who is the first defendant in the suit filed two interlocutory applications before the trial Court for the relief of transposing himself as plaintiff to proceed further with the suit and restraining the respondents from alienating the suit schedule properties. Both the applications were returned by the trial Court for flimsy

reasons and it was posted to 26.09.2022. Hence, the petitioner is before this Court with the present Civil Revision Petition to direct the learned VI Additional District Judge, Madurai to number the unnumbered interlocutory applications.

3.The learned counsel appearing for the petitioner submits that when the petitioner came to know about the attempt made by the first plaintiff to sell some of the suit schedule properties, he approached the Sub-Registrar Office, Vadipatti and submitted Thadangal Manu. In order to get over the legal hurdles, the plaintiffs filed a memo stating that they are abandoning their claims due to the compromise arrived among themselves. In the meantime, the petitioner filed interlocutory applications before the trial Court to transpose himself as plaintiff to proceed further with the suit and restraining the respondents from alienating the suit schedule properties. Both the interlocutory applications have been returned by the trial Court stating that other side

copies not given and both parties full address to be stated in the cause title. The grievance of the petitioner is that even after the mistakes have been rectified and re-presented, it was simply adjourned to 26.09.2022 stating that after posting of the regular Judge, the matter will be placed for verification.

4.This Court considered the submissions of the learned counsel for the petitioner and also perused the materials placed on record.

5. Admittedly, pending the suit in O.S.No.153 of 2018, the revision petitioner, who is the first defendant in the above suit filed interlocutory applications to transpose himself as plaintiff and to restrain the plaintiffs from alienating the suit schedule properties, since an attempt was made by the first plaintiff to sell some of the suit schedule properties. The trial Court returned the interlocutory

applications finding certain defects. The petitioner, after rectification of the same, represented the petitions, which have not been numbered by the trial Court so far.

6.Considering the limited prayer sought for by the petitioner in this Civil Revision Petition, this Court is inclined to dispose of this Civil Revision Petition with a direction to the learned VI Additional District Court, Madurai, to number the unnumbered interlocutory applications filed by the petitioner in O.S.No.153 of 2018, if the applications are in order and to proceed with the same.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

01.09.2022

Index : Yes / No.
Internet : Yes / No.
vrn

To
The VI Additional District Court, Madurai

C.R.P PD(MD) No.1777 of 2022

B.PUGALENDHI, J.

vrn

C.R.P(MD)No.1777 of 2022 and
CMP(MD) No.7914 of 2022

01.09.2022