



WEB COPY



C.R.P. No. 3296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3296 of 2023

and

C.M.P.No.20328 of 2023

1. Thirumathi

2. R. Menaka

3. R. Rohini

...Petitioners

.Vs.

Kalangal Panchayat

Represented by its Authorized Signatory

President Ranganathan, Kalangal Village,

Sulur Taluk,

Coimbatore District

...Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Final Order dated 09.03.2023 passed by the learned District Munsif, Sulur, Coimbatore District in I.A.No. 8 of 2022 in O.S.No.890 of 2017 and pass orders.

For Petitioner : Mr. L. Mouli

ORDER

This petition is filed to set aside the Fair and Final Order dated 09.03.2023 passed by the learned District Munsif, Sulur, Coimbatore District in I.A.No. 8 of 2022 in O.S.No.890 of 2017.



WEB COPY

2. The case of the petitioner is that the respondent herein has filed a petition under Order 9 Rule 7 and Section 151 of CPC in I.A.No. 8 of 2022 in O.S.No.890 of 2017 to set aside the ex-parte order dated 06.12.2017 and the same was allowed vide order dated 09.03.2023. Aggrieved over the same, the petitioners have come up with this present petition.

3. The learned counsel for the petitioner submitted that the other defendants in the suit viz., (i) The District Collector of Coimbatore, (ii) The Tahsildar of Suler Taluk; and (iii) The Block Development Officer of Suler Taluk, were set ex-parte, though they were issued summons in three applications viz., I.A.No.224 of 2018, I.A.No.1 of 2019 and in I.A.No.6 of 2022. The learned Judge without considering the vital fact that the Government Officials have not appeared in the final hearing of the suit have erroneously allowed the I.A. Hence prays to allow this petition.

4. On a perusal of records it is seen that the suit was filed by the petitioners herein seeking for the relief of recovery of possession and



C.R.P. No. 3296 of 2023

Mandatory injunction to remove the pipe line in the subject property, wherein the defendants remain ex-parte. In the impugned order the learned Judge has made an observation that the respondent herein has given one more opportunity to defend his case and the same will not affect the case of the petitioner in any manner, which finding in the considered view of this Court is perfectly valid in the eye of law. Therefore, the impugned order does not require interference by this Court.

5. In view of the above, the order dated 09.03.2023 passed by the learned District Munsif, Sulur, Coimbatore District in I.A.No. 8 of 2022 in O.S.No.890 of 2017 is confirmed. Accordingly this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

08.09.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The District Munsif, Sulur, Coimbatore District



WEB COPY



C.R.P. No. 3296 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

C.R.P. No. 3296 of 2023
and
C.M.P.No.20328 of 2023

08.09. 2023