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CRP Nos.4230 & 4231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition Nos.4230 & 4231 of 2023

and

C.M.P. No. 25761 of 2023

1.Anuragha Poultries & Breeders Private Limited,
Rep. by its Director Mr.K.Kothandapani,
15, Sri Senthooor Complex,
Opp. Municipal Office,
No.77, Dhali Road,
Udumalpet -642 126.
Tirupur District.

2.K.Kothandapani

3.K.Vijayalakshmi

4.K.Sakthivel

5.S.Raghuram

6.Vidya Raghuram

... Petitioners in both CRPs

Versus

1.Rahav Krithik
Padmavathi (Died)
2.The Sub Registrar
Sub-Registrar Office,
Kaniyur,
3.A.Balamani
4.Balakrishnan

...Respondents in both CRPs



CRP Nos.4230 & 4231 of 2023

Prayer in CRP.No.4230 of 2023: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the docket order dated 22.06.2023 passed in I.A.No.520 of 2023 in O.S.No.339 of 2016 on the file of the District Munsif Court, Udumalpet, Tiruppur District.

Prayer in CRP.No.4231 of 2023: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the docket order dated 22.06.2023 passed in I.A.No.519 of 2023 in O.S.No.339 of 2016 on the file of the District Munsif Court, Udum'alpet, Tiruppur District.

For Petitioners in both CRPs : Mr.A.Sivaji

COMMON ORDER

The petitioners have filed these revision petitions to set aside the docket order dated 22.06.2023 passed in I.A.No.519 of 2023 & 520 of 2023 respectively in O.S.No.339 of 2016 on the file of the District Munsif Court, Udum'alpet, Tiruppur District.

2. Heard, Mr.A.Sivaji, learned counsel for the petitioners and perused the materials available on record.



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3. To implead the legal heirs of the sole plaintiff I.A.Nos.519 of 2023 & 520 of 2023 were filed before the trial Court and to set aside the abatement of applications were also taken on file. The learned trial Judge initially ordered notice, but subsequently allowed the applications, stating that no prejudice would be caused to the other side.

4. The learned counsel for the petitioners submitted that they are having valid defence to prove their case, but the learned trial Judge ought to have allowed them to submit their objection, instead of that allowed the applications as such unjust. Hence, he prays to allow these Civil Revision Petitions.

5. On perusal of the records, it reveals that, the learned trial Judge without giving opportunity to these revision petitioners, allowed those applications as such as erroneous one and the findings rendered by the learned trial Judge is liable to be set aside.

6. Accordingly, the Civil Revision petitions are allowed. I.A.s are also Allowed. Liberty is given to the revision petitioners to submit their objections before the learned trial Judge.



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T.V.THAMILSELVI, J.
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7. However, the learned trial Judge is directed to dispose of the I.A.Nos.519 of 2023 & 520 of 2023, within a period of 4 month from the date of receipt of a copy of this order.

8. Accordingly, these Civil Revision Petitions are allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

30.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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Note: Issue order copy by 01.12.2023.

To
1. The District Munsif Court, Udumalpet, Tiruppur District.
2.The Section Officer,
VR-Section, High Court of Madras.

Civil Revision Petition Nos.4230 & 4231 of 2023
and
C.M.P. No. 25761 of 2023