



C.R.P.(PD)(MD)No.804 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.804 of 2018

1. Regina @ Menavathal mary
2. Pulavendran

... Petitioners/Respondents 1 & 4
Defendants 2 and 3

-VS-

1. Sebasthiyar
2. Adaikala Mary
3. Ravikumar
4. Joseph

... 1st Respondent/Petitioner/Plaintiff

... Respondents No. 2 to 4 /
Respondents No.2, 3 and 5/
Defendants No.1, 4 and 5

(Respondents 3 and 4 herein are ex-parte
before the lower Court and notice may be
dispensed with)

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.01.2018 passed in I.A.No.679 of 2017 in O.S.No.81 of 2012 on the file of the learned District Munsif Court, Lalgudi, Trichy District.

For Petitioners : Mr.S.Karthik

For Respondents : Mr.V.R.Shanmuganathan – for R1



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ORDER

The present Civil Revision Petition has been filed by the petitioners/defendants 2 and 3 under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.01.2018 passed in I.A.No.679 of 2017 in O.S.No.81 of 2012 on the file of the learned District Munsif Court, Lalgudi, Trichy District.

2. The defendants 2 and 3 are the revision petitioners and the plaintiff is the first respondent in the Revision petition. It appears that the respondents have filed an application to receive the reply statement for the written statement filed by the second defendant. However, the revision petitioners have stoutly objected the application on the ground that the reason assigned in the affidavit is not believable and prayed for dismissal of the application. The learned trial Judge though has not accepted the reasons assigned by the respondents herein, to avoid multiplicity of proceedings, has allowed the application directing the 1st respondent herein to pay a sum of Rs.500/- to the revision petitioners.



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3. Aggrieved by the order of the trial Court, the instant revision petition has been filed only on the ground that there was a delay of four years in filing the reply statement. Therefore, the very receipt of the reply statement by the trial Court is not in order. It is pertinent to mention herein that today, this Court in another Civil Revision Petition arising between the same parties has allowed the same, thereby setting aside the ex-parte order passed against the present revision petitioners.

4. In such circumstances, this Court finds no rational for the objection raised by the petitioners herein in allowing the application to receive the reply statement. Therefore, the reason assigned by the trial Court is found to be in order and this Court could not find any irregularity in the order. Hence, this Revision Petition is dismissed. There shall be no order as to costs.

03.07.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif Court,
Lalgudi, Trichy District.



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C.KUMARAPPAN,J.

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