



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Third day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) . No.4612 of 2018

in

CRP(MD) 1485 of 2016

WEB COPY

Csi Tuticorin Nazareth (Zone)
Rep by Treasurer, Beach Road,
Tuticorin 628001.

... Petitioner/3rd Respondent

Vs

1 Balasundaram
2 R.Suresh

...Respondent 1&2 / Petitioner

3 The Bishop
Churches of South India,
Tuticorin-Nazareth Diocese
Beach Road , Tuticorin 628 001.

4 Churches of South India Trust
Association (Csita) Chennai Rep by the
Treasurer Authorised Representative
Tuticorin-Nazareth Diocese.

5 The Pastorate Chairman
Vembaar Pastorate , Csi St.Thomas Church Complex,
Vembaar Village, Vilathikulam Tk,
Tuticorin District 628 906

6 R.Ayyamperumal Nadar ... Respondent 3to5/Respondent1,2,4&5

Prayer in CMP(MD) 4612/ 2018 :

This Civil Miscellaneous Petition filed under Section 151 of CPC To clarify the order dated 09.10.17 passed in CRP (MD) No.1485 of 2016 and render justice.

Prayer in CRP(MD) . 1485/ 2016 :

This Civil Revision Petitioner Under Section Article 227 of Constitution of India To set aside the Fair and Decretal Order passed in I.A.No.97 of 2015 in O.S.No.25 of 2014 on the file of the II Additional District Judge, Tuticorin, and allow the Civil Revision Petition and thus render justice.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. G.Prabhu Rajadurai, Advocate for the Petitioner and of Ms.S.Kadarkari, Advocate for the respondent(s), this Court made the following order:



This petition is filed to clarify the order dated 09.10.2017 passed in CRP.(MD).No.1485 of 2016.

2. The order passed in CRP.(MD).No.1485 of 2016 dated 09.10.2017 is to the effect that the trial court Judge was directed to decide the question of res judicata as a preliminary issue in I.A.No.97 of 2015 in O.S.No.25 of 2014, within a period of three months from the date of receipt of the said order.

3. It is submitted by the learned counsel for the petitioner in this CMP viz., the 3rd respondent in the CRP, that the trial judge failed to frame any issue nor provided any opportunity to lead any evidence.

4. In the considered opinion of this court, the order dated 09.10.2017 does not require any clarification and that too at this distance point of time. If the petitioner in this CMP is so aggrieved against the order passed by this court, it is open to him to file appeal and work out his remedy in the manner known to law.

5. In the light of the above views, this CMP is dismissed.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

1 THE PRINCIPAL DISTRICT JUDGE, TUTICORIN

2 The II Additional District Judge, Tuticorin.

Copy to:

1 The Section Officer,
Judicial Section,

Madurai Bench of Madras High Court, Madurai

2 THE SECTION OFFICER,
VR SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (2 Copies)

ORDER DATED : 03/02/2023

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ORDER

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CMP(MD). No.4612 of 2018

in

CRP(MD)1485 of 2016

Giving direction and etc.

as stated within.