



C.R.P.(PD)No.1609 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.04.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(PD)No.1609 of 2024**

**and**

**C.M.P.No.8593 of 2024**

1.S.Thangavelu

2.T.K.Rajeswari

3.T.Deepan

.. Petitioners

Vs.

M/s.Rangavel Industries,

Represented by its Partner V.Rangasamy, .. Respondent

**Prayer** : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.01.2024 made in I.A.No.6 of 2024 in O.S.No.1096 of 2019 on the file of the III Additional District Munsif Court at Coimbatore.

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.K.Venkatasubban



C.R.P.(PD)No.1609 of 2024

**ORDER**

In the light of the order that I propose to pass, I am not inclined to go into the merits of the case.

2. An application was filed by the plaintiff seeking to mark xerox copies of the sub-division order dated 29.11.1982. This application was filed on 06.01.2024. Notice in the application was given to the counsel for the respondent and he made the following endorsement : *"taken notice, strongly objecting, prays time for counter, signed advocate for respondents/defendants"*.

3. The learned Trial Judge allowed the application despite the fact that a request has been made for filing of a counter. In terms of Civil Rules of Practice and a circular standing order issued by this Court under Section 122 of the Code of Civil Procedure, where an application is filed by any party under Rule 31 of the Civil Rules of Practice, notice of the said application has to be given to the other party. The Court has to grant, unless it orders otherwise, a minimum time of three days to other party for the purpose of contesting the application.



*C.R.P.(PD)No.1609 of 2024*

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4. In this case, it is not in dispute that the learned counsel for the defendants has sought for time to file a counter. However, the Court, instead of granting him that breathing time, had straightaway allowed the application. As I have commenced this judgment, I am not going into the merits of the application because, in case, I do so, it will affect either party.

5. Therefore, in the light of infraction of Rule 31 of the Civil Rules of Practice, I am setting aside the order of the learned Judge dated 06.01.2024 and remitting I.A.No.6 of 2024 back to the file of the learned III Additional District Munsif at Coimbatore. The learned Judge shall give an opportunity to the civil revision petitioners/defendants to file their counter and thereafter, proceed to pass orders on the same.

6. In the light of the above discussion, the order in I.A.No.6 of 2024 in O.S.No.1096 of 2019 dated 06.01.2024 is set aside. I.A.No.6 of 2024 is restored on the file of the learned III Additional District Munsif at Coimbatore. The learned Judge shall give an opportunity to file a counter and thereafter, dispose of the same. The said exercise shall be completed



*C.R.P.(PD)No.1609 of 2024*

within the period of 30 days from the time either party produce a web copy  
or the certified copy of this Order before the learned Judge.

7. Accordingly, the Civil Revision Petition stands allowed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

**18.04.2024**

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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*C.R.P.(PD)No.1609 of 2024*

**V. LAKSHMINARAYANAN, J.**

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To

The III Additional District Munsif,  
Coimbatore

**C.R.P.(PD)No.1609 of 2024**

**and**

**C.M.P.No.8593 of 2024**

**18.04.2024**