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C.R.P.(PD).No.3149 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

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THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.3149 of 2024
and C.M.P.No.16852 of 2024

1.Amalorpavam
2.Rajesh Oliver

... Petitioners/Petitioners/Plaintiffs

-Versus-

1.Kanikkai Mary
2.Maria Prakasam
3.Rosalin Mary
4.Ravi Bernard
5.S.Balaji

... Respondents/Respondents/Defendants

... Respondents/Proposed parties

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the impugned order passed in I.A.SR.No.2035 of 2024 in O.S.No.150 of 2023 dated 07.06.2024 on the file of the District Munsif, Krishnagiri.

For the Petitioners : Mr.S.Gnanapragasam

ORDER

This Civil Revision Petition challenges the order dated 07.06.2024 passed in I.A.SR.No.2035 of 2024 in O.S.No.150 of 2023 on the file of the



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2. This Court in ***Selvaraj and Ors. Vs. Koodankulam Nuclear Power Plant India Limited, Represented through its Project Director*** in CRP(MD) Nos.915, 943, 967, 991 & 330 of 2020 dated 16.07.2021, speaking through Justice N.Seshasayee has held that the issue of maintainability requires a judicial order and cannot be disposed of by way of an administrative return.

3. An application has been filed by the plaintiffs/Civil Revision Petitioners to implead the respondents 4 and 5 herein as party defendants in the suit filed by them. The said petition has been rejected stating that as Order 7 Rule 11 petition is pending, this petition cannot be entertained. Challenging the same, this revision has been presented.

4. Following the Judgment of Justice N.Seshasayee, the return made by the learned District Munsif, Krishnagiri is set aside. The learned Judge is requested to number the application, issue notice to the plaintiffs as well as the defendants and receive counter from them. Thereafter, if he feels that the application is not maintainable, then the application shall be disposed of.



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5. In the light of the above findings, this Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

08.08.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

Speaking / Non Speaking Order

To

The District Munsif

District Munsif Court, Krishnagiri.



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V.LAKSHMINARAYANAN, J.,

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