



C.R.P(MD)Nos.2318 to 2320 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.2318 to 2320 of 2024

and

C.M.P(MD)No.13151 of 2024

C.R.P(MD)No.2318 of 2024:

S.A.Shiekhdhathulla

... Petitioner /
Petitioner /
Defendant

Vs.

1.Jayaruba

2.Sujitha

3.Ilayaraja

... Respondents/
Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.1 of 2024 in O.S.No.109 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi dated 19.02.2024.



C.R.P(MD)Nos.2318 to 2320 of 2024

For Petitioners : Mr.S.A.Ajmalkhan

For Respondents : Mr.P.T.Nadrendravasan

C.R.P(MD)No.2319 of 2024:

S.A.Shiekhedhathulla

... Petitioner /
Petitioner /
Defendant

Vs.

1.Jayaruba

2.Sujitha

3.Ilayaraja

... Respondents/
Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.2 of 2024 in O.S.No.109 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi dated 19.02.2024.

For Petitioners : Mr.S.A.Ajmalkhan

For Respondents : Mr.P.T.Nadrendravasan

C.R.P(MD)No.2320 of 2024:

S.A.Shiekhedhathulla

... Petitioner /
Petitioner /
Defendant



C.R.P(MD)Nos.2318 to 2320 of 2024

Vs.

1.Jayaruba

2.Sujitha

3.Ilayaraja

... Respondents/
Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.3 of 2024 in O.S.No.109 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi dated 19.02.2024.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.P.T.Nadrendravasan

COMMON ORDER

Heard both sides.

2.The defendant in O.S.No.109 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi is the revision petitioner herein. The suit is for ejectment, payment of arrears and mandatory injunction. In the said suit, the defendant filed I.A.No.1 of 2024 for reopening the suit and for marking the suit register in a earlier suit. The

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said Interlocutory Application was dismissed. Questioning the same, this Civil Revision Petition came to be filed.

3.The learned counsel appearing for the plaintiffs / respondents is entirely right in his contention that the present application filed by the defendant is not maintainable. It is because the defendant had earlier filed Interlocutory Application for the same relief. It was allowed on payment of cost of Rs.1000/- (Rupees One Thousand only). The cost was not paid. The said Interlocutory Application suffered automatic dismissal. Instead of seeking to set aside the dismissal order, the defendant had filed another Interlocutory Application for the same relief. As rightly pointed out by the learned counsel for the respondents it is not maintainable.

4.At the same time, I want to look at the larger picture. The petitioner's earlier application was allowed and it could not be effectuated only for non-payment of cost. I am of the view that in the interest of justice, the petitioner can be granted one more opportunity. We need not be always go by technical considerations. However, the petitioner is obliged to comply with the order regarding cost.



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5.The learned counsel for the petitioner personally undertakes before this Court the he will see to it that a Demand Draft favouring the plaintiffs for a sum of Rs.1,000/- is taken and given to the learned counsel appearing for the plaintiffs before this Court.

6.In this view of the matter, the impugned orders are set aside. The next hearing date is 29.10.2024. The suit itself will be disposed of finally on merits and in accordance with law or before 30.04.2025.

7.These Civil Revision Petitions are allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The District Munsif cum Judicial Magistrate Court,
Kadaladi.

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G.R.SWAMINATHAN, J.

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