



C.R.P.(MD)No.1881 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1881 of 2024

and

C.M.P.(MD)No.10636 of 2024

Ganapathy (Died)

1.Swarooparani

2.Sudeepvel

... Petitioners/Petitioners/Plaintiffs 2 & 3

Vs.

1.Ilaiyaraja

2.Mano Stalin

3.Balan

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the petitioner and docket order passed by the learned Additional District Judge, Tenkasi dated 29-02-2024 in I.A.No.11 of 2024 in O.S.No.152 of 2018 on the file of the Additional District Judge, Tenkasi and to set aside the same.

For Petitioners : Mr.Niranjana S.Kumar

For Respondents : No appearance

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ORDER

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The plaintiffs in O.S.No.152 of 2018 on the file of the Additional District Court, Tenkasi are the revision petitioners herein. The suit is for recovery of money. The suit was originally filed by Ganapathy. He passed away during the pendency of the suit. His wife and son are prosecuting the suit. The case is posted for arguments. The petitioners wanted to re-open their side and examine the attesting witness. The I.A. was dismissed by the Court below vide order dated 29.02.2024. Challenging the same, this civil revision petition came to be filed.

2.The respondents have been served and their names are printed in the cause list but they have not chosen to enter appearance. Even before the Court below, the respondents did not file any counter and they remained exparte.

3.The learned counsel for the petitioners states that the attesting witness will be produced by the plaintiffs themselves. Since the revision petitioners are the plaintiffs, by dragging on the suit proceedings, they are not going to gain in any manner. I am of the view that the plaintiffs deserve to be given one more opportunity to substantiate their case.



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4. In this view of the matter, the impugned order is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Additional District Court,
Tenkasi.



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G.R.SWAMINATHAN, J.

ias

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