



CRP(MD).No.3304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

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1.Indirani
2.Swaminathan
3.Saravanan
4.Kumar
5.Siva
6.Malathi

Petitioners

Vs.

Kaliyamoorthy

Respondent

PRAYER : Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No un numbered of 2023 in O.S.No.336 of 2004 on the file of the District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, dated 27.04.2023.

For Petitioner : Mr.S.Sankar

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order passed in I.A.No. un-numbered of 2023 in O.S.No.



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336 of 2004 on the file of the District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, dated 27.04.2023.

2. The suit in O.S.No.336 of 2004 was filed by the respondent / plaintiff seeking the relief of injunction. In that suit, the revision petitioners / defendants filed counter claim. The said suit was dismissed, but, the counter claim was decreed. In the said counter claim, it was not brought by the petitioners that within the four boundaries mentioned in the petition, S.No.190/4 is situated. So the learned counsel for the petitioner submitted that R.S.Nos.196/5 and 190/4 are adjacent to each other. For that purpose, the petitioners have filed a petition to amend the decree and the same was returned by the Court below stating that the counter claim was decreed on 03.01.2006, but, the present petition has been filed belatedly after a period of 17 years and hence, the petition is not maintainable.

3. If the trial Court wants to clarify on Judicial side it ought to have been taken, but, without doing the same, rejecting the petition on the administration side may not be proper. On that sole ground, there shall be a direction to the learned District Munsif-cum-Judicial



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Magistrate, Thiruvudaimaruthur, to entertain the petition as the judicial side and decide the same on its own merits.

4. With the above observation, this Civil Revision Petition is disposed of. No costs.

13.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

Note: Registry is directed to return the original papers after substituting the xerox copy of the same.

To

The District Munsif cum Judicial Magistrate, Thiruvudaimaruthur,



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G.ILANGOVA, J.

Trp

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