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Civil Revision Petition No. 1538 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.PD.No.1538 of 2025

M.Sharmila

... Petitioner

Vs

1. M/s.Indian Oil Corporation Limited,

Registered Office at

No.G9, Alyuvar Jung Marg,

Dandra (East), Mumbai.

2. The Regional Manager,

Indian Oil Corporation Limited,

No.139, Nungambakkam High Road,

Chennai 600 034.

3. R.M.Muthuraman

4.Perumal @ Selvaraj

5.Thanisetti Niranjana

6.Durgam Srinivasamurthy

7.Agaram Harikrishna

8.Kotasree Ramamurthy

9.Durgam Ammani

10.D.Ramanaiah

11.R.Devadoss

... Respondents



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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to pass an order directing the District Munsif Court, Ponneri to consider the application filed in I.A.Sr.No.3066 of 2024 in O.S.No.80 of 2023 under Order 9 Rule 9 of C.P.C and to take it on file.

For Petitioner : Mr.R.Shenbagaraman

ORDER

The plaintiff, who is the revision petitioner before this Court, seeks a direction from this Court to the learned District Munsif, Ponneri to take on file the Order 9 Rule 9 C.P.C application filed by her in I.A.Sr.No.3066 of 2024 in O.S.No.80 of 2023.

2. The brief facts are as follows:

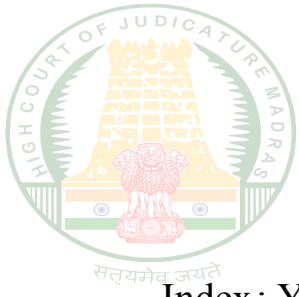
(i) The petitioner/plaintiff had filed the suit O.S.No.80 of 2023 on the file of the District Munsif Ponneri seeking an injunction restraining the defendants 1 and 2, their men and agents from interfering with the plaintiff's peaceful and enjoyment of the suit "A" and "B" schedule properties.

(ii) The plaintiff would contend that originally, the 3rd defendant was the owner of the property described in the "B" schedule. The defendants 10



and 11, posing to be the Power Agent of defendants 4 to 9, had created fraudulent sale deeds in favour of defendants 1 and 2. It appears that the plaintiff was unable to serve summons on the 3rd defendant, as he had shifted his residence from the place where he was staying at the time of purchasing the "B" schedule property. The plaintiff has been making efforts to collect the correct address of the defendants 3 to 11, which appears to be an uphill task. The suit was dismissed on 22.10.2024 stating that the plaintiff had not taken steps to serve summons on the defendants. This was despite the fact that the defendants who had entered appearance had not filed their counter. Immediately, the plaintiff has come forward with an application to set aside the order of dismissal of the suit passed on 22.10.2024 and grant leave to file batta for respondents 3 to 11/defendants 3 to 11. The petitioner would submit that this application has been registered as I.A.Sr.No.3066 of 2025 and the same, though filed as early as in the year 2024, is yet to be numbered.

3. Considering the above, a direction is issued to the learned District Munsif Ponneri to number the I.A.Sr.No.3066 of 2024 in O.S.No.80 of 2023 if it is otherwise in order on or before 30.04.2025. No costs.



Civil Revision Petition No. 1538 of 2025

09.04.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

The learned District Munsif, Ponneri

Note: Issue order copy on 15.04.2025.



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P.T.ASHA, J.,

srn

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