

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD) No.1866 of 2016

Thirumaran @ Dinesh

... Petitioner

v.

1. P.Nagapoossanam
2. M.Anbalagan
3. C.Gunavathi
4. Paramasivam
Respondents

...

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 11.03.2016 passed in I.A.No.1260 of 2015 in O.S.No.44 of 2007 on the file of the Subordinate Judge, Dharmapuri.

For Petitioner : DR.P.Vasudevan for
Mr.R.Prabakar

For respondents : Mr.Dhana Aravindha Balaji for
M/s Dhana Law Associates (R1&2)
Mr.S.Viswanatham (R3&4)

O R D E R

The Civil Revision Petition has been filed by the third party/petitioner challenging the order dated 11.03.2016 passed in I.A.No.1260 of 2015 in O.S.No.44 of 2007 on the file of the Subordinate Judge, Dharmapuri, filed under Order IX Rule 13 of the Code of Civil Procedure(hereinafter referred to as " the CPC").

M. DURAISWAMY,J.,

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2. Heard the learned counsel on either side and perused the materials available on record.

3. The revision petitioner filed the application in I.A.No.1260 of 2015 to set aside the preliminary decree passed on 08.08.2008. The trial Court dismissed the application. As against the order passed in I.A.No.1260 of 2015 filed under Order IX Rule 13 of the CPC, only an appeal under Order XLIII Rule 1(d) of the CPC is maintainable. Therefore, the Civil Revision Petition filed challenging the order passed in I.A.No.1260 of 2015 is not maintainable and the Civil Revision Petition is rejected, as not maintainable. No costs.

21.11.2016

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To
The Subordinate Judge,
Dharmapuri

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