

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD) No.3493 of 2016

J.Nirmala

... Petitioner

Vs.

1.S.Venkatesh

2.Ganesh Prabhu

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order passed in I.A.No.34 of 2016 in A.S.No.79 of 2012 on the file of the III Additional District and Sessions Judge, Coimbatore, dated 23.03.2016.

For Petitioner : Mr.R.Venkatajalapathy

ORDER

The Lower Appellate Court had disposed of the application in I.A.No.34 of 2016 along with the appeal in A.S.No.79 of 2012. Challenging the judgment and decree passed in A.S.No.79 of 2012, the revision petitioner has filed a Second Appeal in S.A.No.884 of 2016.

2.The learned counsel appearing for the petitioner submitted that the petitioner has also raised a ground with regard to the correctness of the

M.DURAI SWAMY, J.

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order passed in I.A.No.34 of 2016. Now, challenging the order passed in I.A.No.34 of 2016, the petitioner has filed the above Civil Revision Petition.

3. When the petitioner has challenged the judgment and decree passed in A.S.No.79 of 2012 by way of a Second Appeal, the correctness of the dismissal of the application in I.A.No.34 of 2016 can be canvassed in the Second Appeal under Section 105 of the Civil Procedure Code. There is no necessity for filing a separate Civil Revision Petition challenging the order passed in I.A.No.34 of 2016.

4. In view of the same, the Civil Revision Petition is closed and it is open to the petitioner to canvass the correctness of the order passed in I.A.No.34 of 2016 in the Second Appeal in S.A.No.884 of 2016. No costs.

Index : No
Internet : Yes
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29.11.2016

To

1. The III Additional District and Sessions Judge,
Coimbatore.

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