

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No.3816 of 2016
and C.M.P.No.19490 of 2016

V.Chandrasekaran

... Petitioner

Vs.

Saran Bee Bi (Died)
Abdul Kareem (Died)

1.A.K.Azeem

2.A.K.Musthafa

3.Mubeen Sulthana

4.Fathima Beebi

5.S.Vijaya

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the final order passed by the III Additional District Court, Vellore, Tiruppattur in R.E.A.No.17 of 2013 in R.E.P.No.26 of 2011 in O.S.No.11 of 2005 dated 26.10.2016

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
Mr.N.Jayakumar

ORDER

Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner submitted that since the application filed by the revision petitioner was construed as an application under Order 21 Rule 97 of the Civil Procedure Code, only an appeal under Order 21 Rule 103 of the Civil

M.DURAI SWAMY, J.

va

Procedure Code is maintainable. Further, the learned senior counsel submitted that liberty may be given to the revision petitioner to challenge the impugned order by way of an appeal.

2. In view of the submissions made by the learned senior counsel for the petitioner, the Civil Revision Petition stands dismissed as withdrawn and it is open to the revision petitioner to challenge the order passed in R.E.A.No.17 of 2013 in R.E.P.No.26 of 2011 in O.S.No.11 of 2005 on the file of the III Additional District Court, Vellore, Tiruppattur by way of an appeal. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

02.12.2016

**Note: (i) Issue order copy today itself.
(ii) Registry is directed to return the original fair order passed in R.E.A.No.17 of 2013 to the counsel for the petitioner.**

To

1. The III Additional District Court, Vellore.

**C.R.P.(NPD).No.3816 of 2016
and C.M.P.No.19490 of 2016**

<http://www.judis.nic.in>