

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.466 of 2016 &

C.M.P.No.3737 of 2016

1.Minor Arunraj

2.Minor Archunaraj

Minor petitioners are Rep. By their guardian
& mother Anandhi @ Anandhalakshmi

... Petitioners

v.

1.Seenuvasan

2.Subamani

3.Jayakumar

... Respondents

Civil Revision Petition filed under section 115 of the Civil Procedure Code, against the order of the Subordinate Judge's Court at Kallakurichi dated 21.07.2015 in E.A.No.38 of 2015 in E.P.No.250 of 2009 in O.S.NO.31 of 2004.

For Petitioners : Mr.S.M.S.Shriram Narayanan

For Respondents : Mr.V.Manohar

O R D E R

The learned counsel appearing for the petitioners submitted that since the Civil Revision Petition has been filed by the petitioners challenging the order passed in E.A.No.38 of 2015 in E.P.No.250 of 2009 in O.S.No.31 of 2004, filed under Order 21, Rule 58 of Civil Procedure Code, on the file of Subordinate Court, Kallakurichi, only an appeal is maintainable. Hence, the learned counsel sought permission of this court to withdraw the Civil Revision Petition with liberty to file an appeal as against the impugned order and to that effect he has also made an endorsement in the memorandum of grounds in the Civil Revision Petition.

2. In view of the same, the above Civil Revision Petition is dismissed as withdrawn. It is open to the petitioners to challenge the order passed in E.A.No.38 of 2015 in E.P.No.250 of 2009 in O.S.No.31 of 2004 in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2016

Index : Yes/No

Note : Registry is directed to return the certified copies of the fair and decreetal order passed in E.A.No.38 of 2015 to the learned counsel for the petitioners.

Rj
To
The Subordinate Court,

Kallakurichi

M. DURAISWAMY,J.,

Rj

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