



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (MD).No.443 of 2016

G. Poornalingam : Revision Petitioner

Vs.

1. G. Muthukumarasamy
2. Lalitha
3. Mathusoothanan
4. Chidambaralakshmanan @ Gobi : Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 05.11.2015 made in I.A.No.166 of 2015 in O.S.No.137 of 2010 on the file of the learned III Additional District Court, Thirunelveli.

For Petitioner : Mr. T. Selvam
For respondents : Mr. R. Subramanian

ORDER

The Civil Revision Petition is filed against the fair and decreetal order, dated order dated 05.11.2015 made in I.A.No.166 of 2015 in O.S.No.137 of 2010 on the file of the learned III Additional District Court, Thirunelveli.

2. The revision petitioner is the first defendant. The respondents / plaintiffs filed a suit for partition in O.S.No.137 of 2010. .

3. According to the first respondent, he was collecting rent in respect of the suit property and depositing 1/3rd of the amount, in favour of the petitioner herein, in his Bank account. Originally the petitioner gave his Bank account of Canara Bank, Chrompet, Chennai. Subsequently, he gave his Bank Account of Central Bank of India, Pallavaram Branch, to deposit 1/3rd share of the amount. According to the first respondent, he deposited 1/3rd share of the petitioner, after deducting expenses and amount with regard to tax. In the Bank account given by the petitioner, the first respondent deposited the amount till July 2015. While cross examination on 02.09.2015 the petitioner stated that he received the rent of his share and therefore, respondents filed I.A.No.166 of 2015 for permission to deposit the rent in the Court, till the disposal of the suit. The learned Judge



considering the materials on record allowed the Interlocutory Application filed by the respondents. Against that order, the present revision is filed.

4. At the time of arguments, learned counsel appearing for the revision petitioner submitted that the suit itself has already been decreed on 16.02.2016 and therefore, the Civil Revision Petition has become infructuous.

5. Recording the said submission, the Civil Revision Petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

The IIIrd Additional District Judge, Thirunelveli.

+One cc to Mr.R.Subramanian, Advocate, SR.No.13437

+One cc to Mr.T.Selvan, Advocate, SR.No.13370

trp
RL/4C/JGB/DP/21/3/2016

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