

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE D.KRISHNA KUMAR.**

C.R.P. (N.P.D).3856 of 2016 and
C.M.P.No.19638 of 2016

1. Narasimman
2. Lakshmi

...Petitioners

versus

1. Raman
2. Krishnan

...Respondents

PRAYER: Civil Revision Petition filed under section 115 of the Code of the Civil Procedure against the fair and decreetal order dated 28.10.2015 made in I.A.No.27 of 2013 in A.S.No.Nil of 2013 by the Learned Principal Sub Judge, Thiruvannamalai.

For Petitioners : Mr.W.M.Abdul Majeed

For Respondents : Mrs.P.Veenasuresh for R1

Mr.P.Mani for R2.

ORDER

The present Civil Revision Petition has been filed before this Court against the fair and decreetal order dated 28.10.2015 passed in I.A.No.27 of 2013 in Unnumbered Appeal Suit No._____/2013.

2. It is brought to the notice of this court that when the Civil Revision Petition is pending before this Court a counter affidavit has been filed in I.A.No.27 of 2013 in the aforesaid appeal suit by the respondents 1 and 2 herein. In para 9 of the said counter it has been specifically stated that during the pendency of C.R.P.No.1393 of 2016, the revision petitioner has not paid the Advocate Commissioner remuneration and therefore, the final decree petition was dismissed on 07.02.2006. Further, no steps were taken by the petitioner to restore the dismissal order dated 07.02.2006. At this stage, no material has been placed before this court by the revision petitioner to establish that an application has been filed to restore the said dismissal order dated 07.02.2006.

3. In view of the fact that final decree petition was dismissed on 07.02.2006, the present civil revision petition has now become infructuous. Hence, the civil revision petition is dismissed. However,

liberty is granted to the petitioner to the effect that in the event of the restoration application to set aside the final decree being allowed by the Court below, he can file an appropriate application before this Court to restore the Civil Revision Petition.

4. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

07.03.2017

Index:Yes/No
rna/gms

To

1. The Principal Sub Judge, Thiruvannamalai.

D.KRISHNAKUMAR, J

rna/gms

C.R.P.(NPD).No.3856 of 2016

07.03.2017