

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD)No. 4471 of 2017
and
CMP.No.21113 of 2017

K.V.Lakshmipathy (Died)

1.Mrs.K.V.Meera

2.Mrs.Jayanthi

K.V.Balaji(Died)

3.K.V.Saroja

4.Savithri

5. Ethiraj

... Petitioners

Vs

1.J.Senthamizh Selvi

2.N.Kasi Viswanathan

.. Respondents

सत्यमेव जयते

PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the Docket order dated 01.11.2012 in Memo dated 28.06.2017 in E.A.No.19 of 2011 in E.P.No.7 of 2011, on the file of District Munsif Court, Thiruvallur.

For Petitioners : Mr.Prabhakaran

For Respondent-1 : Mr.A.Jayapal

ORDER

On 05.02.2017, the said civil revision petition came up for Admission and the same has been posted for orders on 06.12.2017. Subsequently on 06.12.2017, on the request of the learned counsel for the petitioners it has been posted on 07.12.2017 under the caption for Adjourned Admission. On 07.12.2017, at the request of the learned counsel for the petitioners it has been adjourned by four weeks. Today, (i.e., on 09.01.2018) the Civil Revision Petition has come up under the caption 'Adjourned Admission'.

2. At this stage Mr. Jeayapal, learned counsel appearing for the first respondent have entered appearance and he brought to the notice of this Court that the Counsel appearing for the petitioner before the Executing Court misrepresented the fact by filing a memo dated 11.12.2017 stating that the petitioners have preferred the Civil Revision Petition before the High Court and the same is admitted in CRP. No.4471 of 2017 and thereby misled the Court below. But the Court records shows that aforesaid Civil Revision Petition, is only adjourned and no notice has been ordered to the respondent.

3. At this stage Mr. R. Prabakaran, learned counsel for the petitioners would submit that the petitioners have informed the counsel appearing before

the trial court, only to file impleading application. Due to oversight, the counsel has filed the aforesaid a memo dated 11.12.2017. At this stage, the learned counsel for the petitioners seek to withdraw the aforesaid Civil Revision Petition and also made an endorsement to that effect.

4.In view of the endorsement made by the learned counsel for the petitioners, the Civil Revision Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. No costs.

09.01.2018

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non Speaking Order
RKP

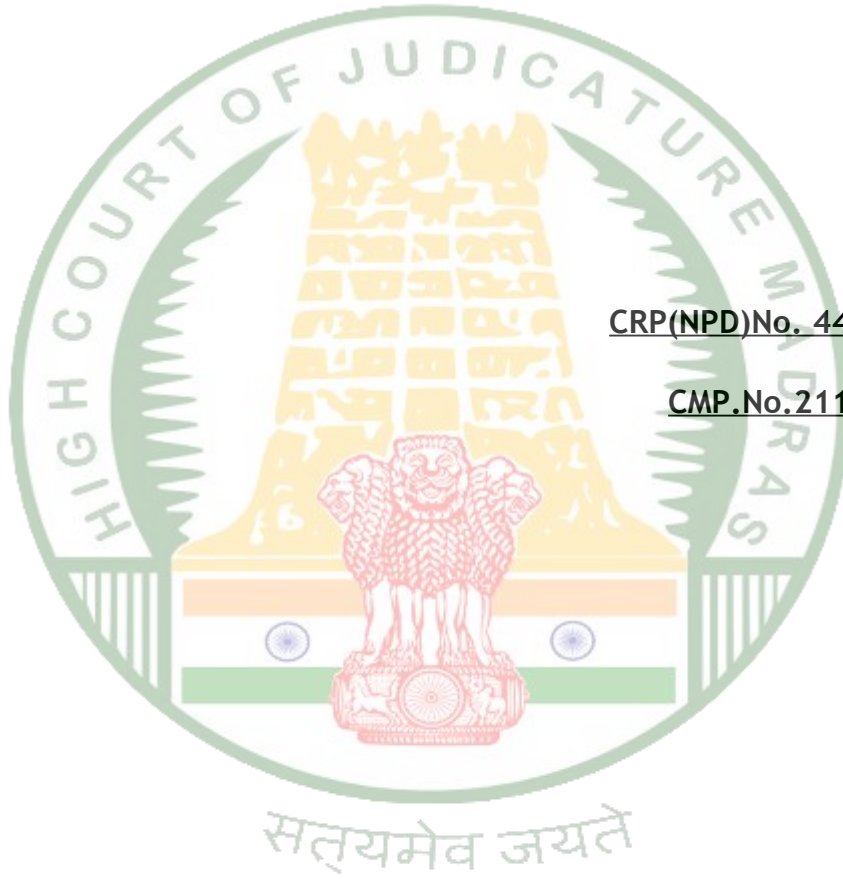
To

The District Munsif Court,
Thiruvallur.

सत्यमेव जयते
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D. KRISHNAKUMAR J.,

RKP



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