

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.55 of 2018
in C.R.P(PD)No.3919 of 2014

Suresh Babu

.. Petitioner

Vs.

1.M.Radhakrishna
2.M.Sampangiram Reddy
3.M.Aswath Reddy

.. Respondents

PRAYER: Review Application is filed under Order 47 Rule 1 read with Section 114 of C.P.C, to review the order dated 13.12.2017 made in C.R.P.(PD) No.3919 of 2014 on the file of this Court.

For Petitioner : Mr.S.Kumaresan

For Respondents : Ms.Zeenath Begum

ORDER

This Review Application is filed to review the order dated 13.12.2017 made in C.R.P.(PD) No.3919 of 2014 on the file of this

Court.

2.The review petitioner is the 3rd respondent, 1st respondent is the petitioner and respondents 2 and 3 are the respondents 1 and 2 in C.R.P.(PD)No.3919 of 2014. The 1st respondent has filed the said Civil Revision Petition challenging the order dated 29.01.2014 made in I.A.No.504 of 2008 in O.S.No.108 of 2008 on the file of the District Munsif cum Judicial Magistrate, Denkanikottai.

2(a).In the said Civil Revision Petition, the respondents 2 and 3 herein, who are the respondents 1 and 2 in Civil Revision Petition did not appear. The review petitioner and the 1st respondent herein represented through counsel. On 13.12.2017, this Court allowed the Civil Revision Petition, setting aside the order dated 29.01.2014 made in I.A.No.504 of 2008 and suo-motu restored the said Interlocutory Application to file and directed the learned District Munsif Cum Judicial Magistrate, Denkanikottai to issue fresh notice to the review petitioner and decide the application on merits.

3.The review petitioner filed the present Review Application to review the order dated 13.12.2017 made by this Court in C.R.P.(PD).No.3919 of 2014 on the ground that the suit O.S.No.108

of 2008 was dismissed for non-prosecution on 16.02.2017 itself. In

view of the dismissal of the suit in O.S.No.108 of 2008, on the date of order of this Court i.e., on 13.12.2017, the Civil Revision Petition had become infructuous. The learned counsel appearing for the petitioner produced copy of the judgment dated 16.02.2017, dismissing O.S.No.108 of 2008 by way of filing in the typed set of papers.

4.The learned counsel for the respondent also submitted that the suit was not pending on the date of order (13.12.2017) of this Court in C.R.P.(PD).No.3919 of 2014.

5.Heard the learned counsel for the petitioner as well as respondents and perused the materials available on record.

6.In view of dismissal of the suit O.S.No.108 of 2008 on 16.02.2017, the Review Application is allowed, setting aside the order dated 13.12.2017 made in C.R.P.(PD)No.3919 of 2014. The Civil Revision Petition C.R.P.(PD) No.3919 of 2014 is dismissed as infructuous.

7.In the result, the Review Application is allowed. No costs.

02.07.2018

LPP/gsa

Index : Yes/No

Speaking Order : Yes/No



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V.M.VELUMANI, J.

LPP



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