

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.925 of 2018
and CMP.No.5002 of 2018

1.R.Muniraj

2.R.Nagaraj

3.R.Murugesh

.. Petitioners

Vs

1.T.D.Venkatesappa

2.K.Lakshamma

3.V.Ravi

4.V.Thiyagaraj

.. Respondents

PRAYER

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Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.11.2017 passed in CFR.No.5739 of 2017 in IA.No.57 of 2016 in OS.No.48 of 2015 on the file of the Subordinate Judge, Hosur.

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. Against the order passed in CFR.No.5739 of 2017 in IA.No.57 of 2016 in OS.No.48 of 2015 filed under Order 39 Rule 4 of the Civil Procedure Code, the revision petitioners have filed the present Civil Revision Petition before this Court. According to the revision petitioners, there is no appeal provision before the Appellate court. Challenging against the aforesaid order, the present Civil Revision Petition has been filed.

3. On considering the maintainability of the Civil Revision Petition and as per the Order 43 of the Civil Procedure Code, order passed under Order 39 Rule 4 is an appealable order. Therefore, the present Civil Revision Petition is not maintainable. However liberty is granted to the revision petitioners to file an appeal challenging the said order passed by the court below, if so advised.

4. The Civil Revision Petition is dismissed with above direction. Consequently, the connected miscellaneous petition is closed.

No costs. The Registry is directed to return the original certified copy of the aforesaid order to the learned counsel for the revision petitioners after obtaining a xerox copy of the same.

15.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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D. KRISHNAKUMAR J.,

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To

The Subordinate Judge,
Hosur.



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