

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Review Application No.37 of 2013
in S.A.No.589 of 2009

Thangavel (Died)

1. Thulasi
2. Moraji
3. Sangeetha

... Applicants

Vs.

1. Chidambaram
2. Usharani

... Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code, against the judgment and decree dated 02.11.2012 in S.A.No.589 of 2009.

For Applicants : Mr.V.Nicholas

For 1st Respondent : Mr.V.Raghavachari
for Mr.V.Lakshminarayanan

For 2nd Respondent : No appearance

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ORDER

This Review Application has been filed by the review applicants/ appellants in S.A.No.589 of 2009 to review the judgment dated 02.11.2012 passed thereunder.

2. When the matter is taken up for hearing today (19.03.2018), the learned counsel appearing for review applicants would submit that the trial Court has passed a final decree on 31.03.2016, against which, they have preferred an appeal in A.S.No.25 of 2016, which is pending on the file of Principal Subordinate Judge, Krishnagiri. In view of the later development, the learned counsel appearing for review applicants requested this Court to permit the review applicants to mark the WILL, through which they derived the title, under Order 41, Rule 27 of Civil Procedure Code before the Lower Appellate Court and that they could prove the WILL before the Lower Appellate Court.

3. Considering the submission made, the review applicants are permitted to file an application under Order 41, Rule 27 of Civil Procedure Code, to receive the WILL before the Principal Subordinate Judge,

Krishnagiri. On such application being filed, the Principal Subordinate Judge, Krishnagiri, is directed to consider the same on merits and in accordance with law, after hearing all the parties concerned.

4. Since nothing survives in this Review Application, the same is closed. No costs.

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19.03.2018

To

The Principal Subordinate Judge,
Krishnagiri.

सत्यमेव जयते
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M. GOVINDARAJ, J.

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