



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMP (MD) No. 5234 of 2018

in

CRP (MD) No. SR 20617 of 2018

S.Janakie Ammal (died)

1.S.Subramanian

2.J.Mariyammal

... Petitioners

Vs.

M.Kalamani

... Respondent

Prayer in CMP (MD) No. 5234 of 2018 : This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, 1961, to condone the delay of 538 days in filing the Civil Revision Petition as against the fair and decretal order passed by the court of the Subordinate Judge, Virudhunagar in I.A.No.64 of 2016 in I.A.No.186 of 2011 in O.S No.28 of 2008 on 20.06.2016.

Prayer in CRP (MD) No. SR 20617 of 2018 : This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, 1908 to set aside the fair and decretal order passed by the court of the Subordinate Judge, Virudhunagar in I.A.No.64 of 2016 in I.A.No.186 of 2011 in O.S No.28 of 2008 on 20.06.2016.

For Petitioners : Mr.M.Jothi Basu

For Respondents : M/s.P.Malini

ORDER

The learned counsel for the respondent submits that the final decree proceedings themselves got concluded on 18.12.2017 and that the battle has now shifted to the execution front. Therefore, the interlocutory application filed in the final decree can no longer be the subject matter of contest in the Civil Revision Petition. The Civil Revision Petition itself is not maintainable. When the Civil Revision Petition is not maintainable, the question of condoning the delay in filing this CRP does not even arise. CMP (MD) No. 5234 of 2018 stands dismissed. CRP (MD) No. SR 20617 of 2018 is dismissed at SR stage itself. No costs.

Sd/-

Assistant Registrar (T&P)



To

The Sub Judge,
Virudhunagar.

+1cc to M/S.G.M.LAW OFFICE, SR.No.79074

+1cc to M/s.P.Malini, Advocate SR.No.79061

SKM

MK/RSK/SAR 2/10.09.2018/2P/4C

CMP (MD) No.5234 of 2018

in

CRP (MD) No. SR 20617 of 2018

16.08.2018