



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1182 of 2016 (NPD)
and
CMP (MD) No.5798 of 2016

Annavi

... Petitioner

Vs.

Thangarasu

... Respondent

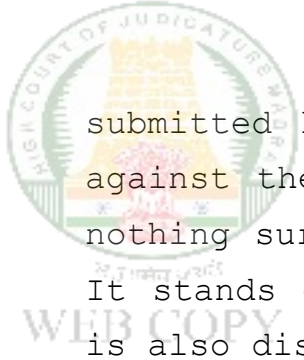
Prayer : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 20.11.2015 made in E.A No.88 of 2014 in E.P No.36 of 2013 in O.S No.10 of 2009 on the file of the District Munsif Court, Kulithalai, Karur District.

For Petitioners : Mr.R.Murugappan
For Respondents : Mr.H.Laksmi Shankar

ORDER

The third defendant in O.S No.10 of 2009 on the file of the District Munsif Court, Kuzhithalai, Karur District is the revision petitioner herein. It is a suit of partition. Preliminary decree was passed on 24.02.2010. Thereafter, final decree was also passed. The petitioner filed an application on 24.02.2010 to set aside the preliminary decree which was passed on an exparte basis. Since the final decree itself came to be passed, the plaintiff filed E.P No.36 of 2013 for enforcing the same. In the said E.P, E.A No.88 of 2014 was filed under Order 21 Rule 26 of CPC. The said E.A was dismissed on 20.11.2015. Challenging the same, this civil revision petition has been filed.

2.The scope of a petition filed under Order 21 Rule 26 of CPC is only to give breathing time. It cannot serve any other purpose. It is seen that almost three years have gone by since the passing of the order impugned in this civil revision petition. It is



submitted by the learned counsel for the respondent, the decree against the revision petitioner has now become final. Therefore, nothing survives for adjudication in this civil revision petition. It stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-IV)

To

The District Munsif,
Kulithalai,
Karur District.

+1cc to Mr.R.Murugappan, Advocate, SR.No. 85916
+1cc to Mr.H.Lakshmi Shankar, Advocate, SR.No. 85487

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