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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) .No.279 of 2016

and

CMP (MD) No.1113 of 2016

Appadurai

..Petitioner/Respondent/2nd Plaintiff/
Proposed 7th Defendant

Vs.

1.Senthil Murugan
2.Utchimakali
3.Muthulekshmi
4.Ramadhas
5.Rajammal
6.Nellaiammal
7.Sreedevi

...Respondents /Respondents /Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 14.09.2015 passed in I.A.No.519 of 2014 in O.S.No.41 of 2009 on the file of the Subordinate Judge, Valliyoor. And allow the Civil Revision Petition.

For Petitioner :Mr.K.Gokul

For R1 : Mr.S.Sivathilagar

For R2 to R5 : No appearance

For R6 : Dismissed vide Court

order dated 12.07.2018

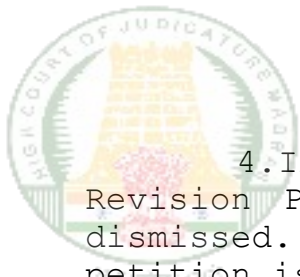
For R7 : No appearance

ORDER

The revision petitioner along with the first respondent herein filed O.S.No.41 of 2009 before the Subordinate Court, Valliyoor, seeking the relief of partition. It appears that some difference of opinion cropped up between two. Therefore, the first respondent herein filed I.A.No.519 of 2014 for transposing the revision petitioner as the seventh defendant and the same was allowed by order dated 14.09.2015. Questioning the correctness of the said order, the civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.The suit is for partition. The revision petitioner as well as the first respondent are brothers. Therefore, in a partition suit, every party is a plaintiff. No prejudice will be caused to the revision petitioner's rights.



4. In this view of the matter, I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (P&A)

Sub Assistant Registrar (CS-IV)

To
The Subordinate Judge, Valliyoor.

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The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies

- 1 CC TO Mr.K.Gokul , ADVOCATE IN SR No. 83561.
- 1 CC TO Mr.S.Sivathilakar , ADVOCATE IN SR No. 83591.

RMK

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