



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.07.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(MD)No.1085 of 2013 and
M.P.(MD).Nos.1 and 2 of 2013

- | | |
|------------------|---|
| 1. S.Bhawarlal | |
| 2. B.Kamala Devi | |
| 3. S.B.Rajkumar | .. Petitioners 1 to3/Respondents 1 to 3/
Third Parties |
| 4. J.Asokan | |
| 5. A.Shanthi | .. Petitioners 4&5/Respondents 4 & 5
Third Parties |

Vs.

- | | |
|--|--|
| 1. Thirupparankundram Arumuga Nainar Trust,
Rep. by its Trustee S.Venugopal | |
| 2. Palani @ T.A.S.Ramasubramanian | |
| 3. S.Durga Balakumar | |
| 4. Thirupparankundram Arumuga Nainar Trust,
Rep. by its Trustee,
S.Balasubramanian | .. Respondents/Petitioners/
Petitioners |

[R4 is impleaded vide Court order
dated 10.04.2018 made in M.P.(MD).
No.3/2013 in CRP(MD).No.1085/2013 by
SSSRJ]

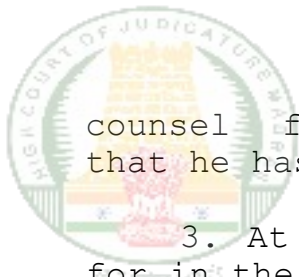
PRAYER: Revision filed under Article 227 of the Constitution of India, against the fair and decretal order dated 18.04.2013 passed in I.A.No.1038 of 2012 in Trust O.P.No.2 of 2009, on the file of the learned Principal District Judge, Madurai.

For Petitioners	: Mr.S.Veeranasamy
For Respondents 1 to 3	: Mr.T.R.Subramanian
For Respondent No.4	: Mrs.Jessi Jeeva Priya

ORDER

When the matter came up for hearing on 28.06.2018, there was no representation on behalf of the petitioners. With a view to afford an opportunity to the petitioners, the revision was directed to be posted on 06.07.2018. But, on 06.07.2018 also, there was no representation for the petitioner. Therefore, this petition was directed to be posted today under the caption "for dismissal".

2. Today when the matter is taken up for hearing, the learned



counsel for the petitioners appeared before this Court and stated that he has no instructions from the petitioners.

3. At this juncture, it is stated that the main relief sought for in the Trust O.P.No.2 of 2009 is only for getting permission for sale of the suit scheduled property. The said Trust Original Petition was allowed and permission was granted, by order dated 04.08.2010. Subsequently, the permission was revoked in I.A.No.1038 of 2012 in Trust O.P.No.2 of 2009, by order, dated 18.04.2013, on the ground that the intending purchasers have not deposited the sale price within the time fixed by this Court.

4. It is now admitted by the learned counsel for the petitioners before this Court that the permission that was granted originally by the lower Court in Trust O.P.No.2 of 2009 on the file of the learned Principal District Judge, Madurai was subsequently set aside by this Court in CRP.(MD).No.398 of 2011 on 26.04.2013. Thereafter, as against the order passed in the said CRP.(MD).No.398 of 2011, the petitioners have filed an appeal before the Hon'ble Supreme Court and the matter is now pending before the Hon'ble Supreme Court.

5. In view of the factual position, the present civil revision petition filed against the order made in I.A.No.1038 of 2012 dated 18.04.2013 cannot be entertained. In that view of the matter, this Court is of the view that the Civil Revision Petition has become infructuous by virtue of the order passed by this Court in C.R.P. (MD).No.398 of 2011.

6. Accordingly, the Civil Revision Petition is dismissed as infructuous. No Costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Madurai.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

- + 1 CC TO Mrs.P.JESSI JEVA PRIYA, ADVOCATE IN SR No. 71816
- + 1 CC TO Mr.T.R.SUBRAMANIAN, ADVOCATE IN SR No. 71735

PJL

TE/SV/SAR-2 : 18/07/2018 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>

C.R.P. (MD)No.1085 of 2013
09.07.2018