

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.3953 of 2013

ORDER:

Heard Mr.T.C.Krishnan, counsel for the petitioners.

I.A.No.519 of 2012 is filed by the respondents 1 and 2 herein seeking permission from the Court to not press I.A No.328 of 2011. Through the order under Revision, I.A.No.519 of 2012 was allowed. Hence, the Civil Revision Petition.

Mr.Krishnan contends that the underlying idea for withdrawing I.A.No.328 of 2011 by respondents 1 and 2 is to avoid confrontation of contradiction in the date of demise of 3rd respondent. The prayer since is allowed by the trial Court, the revision petitioner suffers irreparable injury and therefore the prayer in I.A.No.519 of 2012 ought not to have been allowed.

Mr.Subodh contends for reasons available and as per the advice respondents 1 and 2 have withdrawn the prayer in I.A.No.328 of 2011. The averments in the affidavit are altogether matters for different consideration. According to him, the Court has exercised the discretion. No ground is made out warranting interference of this Court under Article 227 of Constitution of India.

I have noted the submissions of the counsel appearing for the parties and the short point that arises for consideration is whether the order under Revision warrants interference of this Court under Article 227 of Constitution of India and whether the

averments in the affidavit filed in I.A.No.328 of 2011 are also withdrawn by virtue of the orders passed in I.A.No.519 of 2012.

The respondents 1 and 2, through the prayer made in I.A.No.519 of 2012, sought permission to withdraw relief in I.A.No.328 of 2011. The prayer itself is sufficient to demonstrate that prayer is withdrawn and nothing less and nothing more. An issue if arises for consideration for any of the matter stated in the affidavit filed in I.A.No.328 of 2011 is concerned, the same is the issue which the Court is required to examine in accordance with law as and when pressed by the parties.

With the above observations, the Civil Revision Petition is dismissed. No order as to costs.

The trial Court considers and disposes of the suit as expeditiously as possible, preferably within two months from the date of receipt of copy of this order.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 11.10.2018
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S. V. BHATT, J

