

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

Coram

The Honourable Mrs. **Justice R.HEMALATHA**

C.R.P.(NPD)No.3240 of 2011

and

M.P.No.1 of 2011

1.V.Shanmugam  
2.R.Venkatachalam

... Petitioners

Vs.

1.Palaniammal  
2.Kolandhan  
3.Perumal

... Respondents

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the Fair and Decretal Order dated 20.07.2011 passed in I.A.No.116 of 2009 in O.S.No.99 of 2001 on the file of the Principal Sub Court, Salem.

For Petitioner : Mr.K.Venkatasubhan  
for M/s.Sarvabhauman Associates  
For Respondents : No appearance

**ORDER**

The present civil revision petition has been filed against the orders passed in I.A.No.116 of 2009 in O.S.No.99 of 2001 on the file of the learned Principal Subordinate Judge, Salem.

2.The revision petitioners are the respondents 3 and 4 in I.A.No.116 of 2009 in O.S.No.99 of 2001. The first respondent/plaintiff filed an application in I.A.No.116 of 2009 under Order 26 Rules 13 and 14 of the Code of Civil Procedure praying to pass final decree for partition of the suit properties. Subsequently, she did not press the said application and therefore the application was dismissed as not pressed. Aggrieved over the said orders passed by the learned Principal Subordinate Judge, Salem, the respondents 3 and 4 filed the present civil revision petition.

3.It is seen from the records that the application in I.A.No.116 of 2009 in O.S.No.99 of 2001 was dismissed as not pressed. The petitioner who filed the above petition did not press the said application before the Court below. Therefore, the application came to be dismissed.

4.The learned counsel appearing for the revision petitioners would contend that the revision petitioners purchased the property from the first respondent/plaintiff and therefore the I.A.No.116 of 2009 should not have been dismissed by the trial Court especially when the civil revision petitioners/purchasers filed a petition in I.A.No.106 of 2010 in I.A.No.116 of 2009 under Order 1 Rule 10 and Section 151 of the Code of Civil Procedure seeking to implead them as respondents in I.A.No.116 of 2009.

5. In any event, since the first respondent/plaintiff did not want to proceed further in I.A.No.116 of 2009, which was filed by her, the order passed by the trial court dismissing the application as not pressed cannot be found fault with by this Court. It is not as if the civil revision petitioners are left without any remedy.

6. In the result, the civil revision petition is dismissed. No costs. Consequently, connected M.P. is closed. The revision petitioners are directed to workout their remedy before the concerned forum, if so advised.

25.06.2019

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Index : Yes/No  
Internet: Yes/No  
Speaking order/Non Speaking order

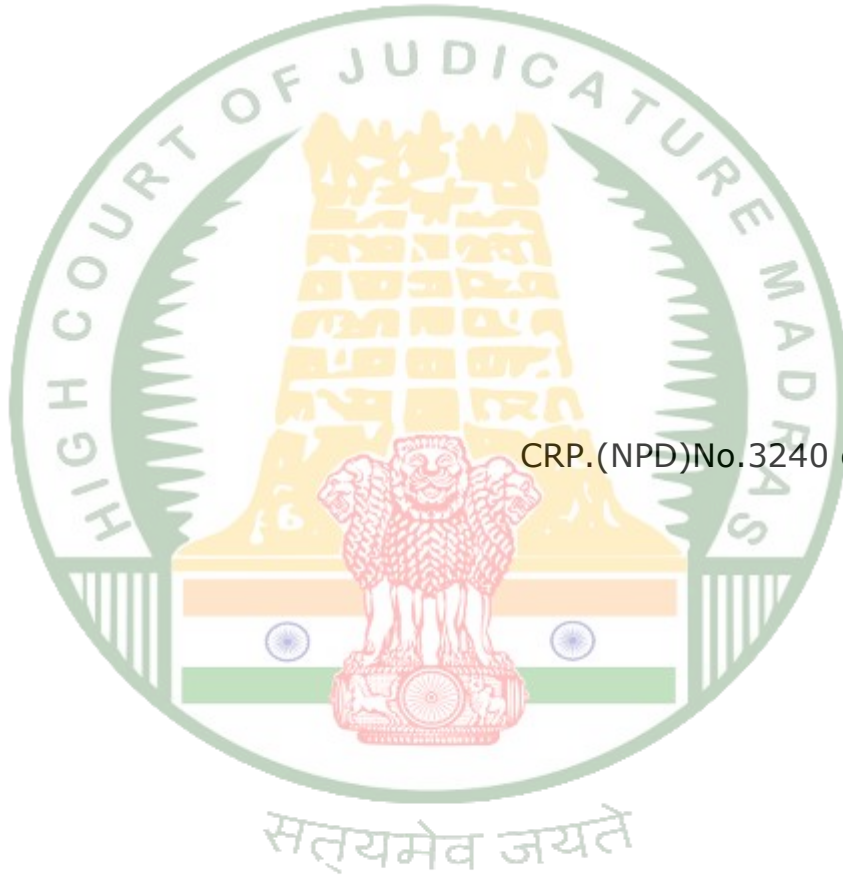
To

The Principal Sub Court,  
Salem.

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**R.HEMALATHA.J.,**

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