

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD)No.3106 of 2013 &

C.M.P.No.1 of 2013

Mr.Radhakrishnan

.. Petitioner

Vs.

1. Government of Tamilnadu
Represented by District Collector,
Thiruvavarur.
 2. The Commissioner,
Panchayat Union,
Nannilam,
Thiruvavarur District.
 3. The President,
Agarathirumalam Village,
Nannilam Taluk,
Thiruvavarur District.
 4. Mr.Petha Perumal
 5. M.Arumugam
(Respondents 4 & 5 filing this revision for
themselves and also as representatives
of Villagers of Agarathirumalam Village)
- .. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal Order of the District Munsif cum Judicial Magistrate, Nannilam, dated 28.02.2013 made in I.A.No.333 of 2012 in I.A.No.419 of 2010 in O.S.No.76 of 2009 and allow the above revision.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.M.Sricharan Ranganathan
Special Government Pleader (C.S.)
- R1

ORDER

Aggrieved over the dismissal of the Interlocutory Application filed for marking the interim Order passed in W.P.No.2884 of 2011 in an application filed under Order IX Rule 13 of Code of Civil Procedure, this revision came to be filed.

2. The main contention of the revision petitioner is that the trial Court has simply rejected the interim Order sought to be marked in the application filed under Order IX Rule 13 of Code of Civil Procedure and the interim Order has to be marked to show the conduct of the parties. Therefore, the same has to be allowed.

3. Whereas, the learned counsel for the respondent submitted that the Writ Petition itself has been disposed of wherein the second respondent in the Writ Petition had made an undertaking that he is not going to lay road in the suit property. Since the main Writ Petition itself has been disposed of, the interim Order passed in the Writ Petition is not at all necessary in the application filed under Order IX Rule 13 Code of Civil Procedure to set aside the exparte decree. Order IX Rule 13 petition has to be dealt with independently and in the event of the petitioner succeeding in the petition filed under Order IX Rule 13 of CPC,

the petitioner can very well rely on the final Order of the Writ Petition.

4. In view of the above submissions, this Civil Revision Petition is dismissed and the Order of the trial Court in I.A.No.333 of 2012 in I.A.No.419 of 2010 in O.S.No.76 of 2009 is confirmed. Consequently, the connected miscellaneous petition is closed. No cost.

08.02.2019

vrc

To

The District Munsif cum Judicial Magistrate,
Nannilam.



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N.SATHISH KUMAR, J.

vrc



CRP.(PD) No.3106 of 2013

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