

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.3883 of 2013
and M.P.No.1 of 2013

Angathal

... Petitioner

Vs.

1. Murugasamy
2. Marappa Gounder (Died)
3. Nagathal
4. Radhamani

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 23.04.2013 passed in I.A.No.272 of 2013 in I.A.No.31 of 2012 in O.S.No.101 of 2003 on the file of the V Additional District and Sessions Judge, Coimbatore (formerly FTC III).

For Petitioner

: Mr.R.Murali

For R3 and R4

: Mr.Noyal James
for M/s.Sarvabhauman Asso.

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ORDER

The present Civil Revision Petition has been filed to set aside the order dated 23.04.2013 passed in I.A.No.272 of 2013 in I.A.No.31 of 2012 in O.S.No.101 of 2003 on the file of the V Additional District and Sessions Judge, Coimbatore.

2. The 1st respondent herein filed an application in I.A.No.31 of 2012 challenging the preliminary decree passed in O.S.No.101 of 2003 pursuant to compromise arrived at between the parties. Pending the said I.A., the revision petitioner filed I.A.No.272 of 2013 under Order 26, Rule 9 of C.P.C., seeking for appointment of an Advocate Commissioner for recording her evidence. The trial Court, taking note of the allegations made with regard to the compromise entered between the parties and also allegations raised in respect of Court proceedings, has dismissed the said application holding that the parties must be examined in Court, to note down their demeanor against which, the present revision is filed.

3. The learned counsel appearing for the respondents submitted that now, the final decree proceedings is posted for filing

report of the Commissioner and I.A.No.31 of 2012 filed by the 1st respondent challenging the compromise decree is dismissed. Hence, the learned counsel submitted that the present revision has become infructuous.

4. Taking note of the above fact, since the very application in I.A.No.31 of 2012 challenging the compromise decree is dismissed, the question of examination the revision petitioner does not arise at all. Hence, this Civil Revision Petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.02.2019

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To

The V Additional District and Sessions Judge,
Coimbatore

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N. SATHISH KUMAR, J.

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