



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2019**

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

C.R.P (MD) No.2635 of 2018

and

C.M.P (MD) No.11546 of 2018

R.Rajeswari

.. Petitioner/4th Defendant

Vs.

1.M.Jothi

.. 1st Respondent / Plaintiff

2.S.Kannaiyan

3.S.Jayalakshmi

4.S.Padmavathy

.. Respondents 2 to 4 /Defendants 1 to 3

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 31.10.2018 made in I.A.No.702 of 2018 in O.S.No.57 of 2017 by the District Munsif Court, Lalgudi.

For petitioner : Mr.D.Selvanayagam

For Respondent No.1 : Mr.P.Kandasamy

ORDER

The first respondent/plaintiff filed the suit in O.S.No.57 of 2017 for the reliefs of declaration to declare that the deed of cancellation dated 22.02.2000 of the sale deed dated 02.02.1999, is null and void and also for the relief of permanent injunction in the respect of the suit land. Pending suit, the petitioner / 4th defendant filed I.A.No.702 of 2018 seeking to mark the unregistered deed of indenture, dated 02.06.2008, through P.W.4. The Court below dismissed the petition, against which, the present revision has been filed.

2.On 13.12.2018, after hearing arguments of both sides, this revision was reserved for orders. Thereafter, on 25.03.2019, the learned counsel for the first respondent / plaintiff filed a memo stating that the Court below has passed Judgment in O.S.No.57 of 2017 on 06.02.2019 and therefore, this revision has become infructuous. Hence, the matter was ordered to be posted on 02.04.2019.



3. When the matter came up for hearing on 02.04.2019, the learned counsel for the petitioner / 4th defendant submitted that he has filed a memo before the Court below stating that C.R.P(MD) No.2635 of 2018 is reserved for orders, but inspite of the same, the learned Judge has proceeded to pass Judgment in the suit. In view of the said submission, this Court directed the Registry to call for report from the learned Judge.

4. Accordingly, the learned Judge has submitted a report dated 12.04.2019, stating that this Court in C.R.P(MD) No.1501 of 2018, dated 19.07.2018, directed to conduct the trial in the suit on day to day basis and dispose of the suit within a period of five months. Since the learned Judge could not able to dispose of the suit within the said period, she submitted a letter, dated 21.12.2018, seeking extension of time for a further period of three months and on the basis of the same, this Court, vide order dated 01.02.2019, granted one month time. Though there was a representation by the learned counsel for the petitioner / 4th respondent that this revision is preferred, in obedience of the direction of this Court, the suit was disposed of on merits on 06.02.2019, after hearing both sides.

5. Considering the report submitted by the learned Judge and also considering the fact that the suit was disposed of on 06.02.2019, this Court is of the view that nothing survives for adjudication in the revision and the petitioner / 4th defendant has to seek appropriate remedy before the first appellate Court. With the above observation, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

smn

To

1. The District Munsif, Lalgudi.

2. The Record Keeper, V.R. Section,

Madurai Bench of Madras High Court, Madurai (2 copies).

+1 CC to M/s.P.KANDASAMY, Advocate (SR-63861[F] dated 29/04/2019)

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-64128[F] dated 30/04/2019)

ORDER MADE IN

C.R.P(MD) No.2635 of 2018 and

C.M.P(MD) No.11546 of 2018

29.04.2019