



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.12.2019

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

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C.R.P. (PD) (MD)No.2354 of 2019

and

C.M.P. (MD)No.12434 of 2019

1.Paalgannan

2.Pushpan

.. Petitioners

Vs.

1.Sanmuga Sundaram

Gobalakrishnan (Died)

Arunachalavadiyu (Died)

Valliyammal (Died)

2.Venkateshwaran

Pathmanaban (Died)

Jayalakshmi (Died)

3.Abranantham

4.Avvaiyar

5.Thirumalaiyammal

Indira (Died)

6.Banumathi

7.Krishnaveni

8.Paalgannan, S/o.Ramayapillai

9.Rajeswari

Thangammal (Died)

10.Thukarampillai

11.Arokiyaraj

12.Paalgannan, S/o.Thukarampillai

Palaniyammal (Died)

13.Paalgannan, S/o.Gobalakrishnan

14.Gurunathan

15.Revathi

16.Sangaranarayanan

17.Hariharan

18.Balu

19.Lilavathi

20.Kulalvaimoli

21.Veeralakshmi

22.Lalitha

23.Anni Pesant Ammaiyar

14.Minor Sri

Rep. Through 23<sup>rd</sup> respondent herein ... Respondents

**Prayer :** This Civil revision petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order

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dated 28.11.2019 passed in E.P.No.10 of 2016 in O.S.No.42 of 1980 on the file of the Principal District Munsif Court, Sivagiri.

For Petitioners : Mr.V.Meenakshi Sundaram  
For Respondent No.1 : Mr.N.Ganagasapapathy

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**ORDER**

Heard the learned counsel appearing on either side.

2.This Civil Revision Petition has been filed against the order passed in E.P.No.10 of 2016 in O.S.No.42 of 1980 dated 28.11.2019, on the file of the learned Principal District Munsif, Sivagiri.

3.On the side of the petitioners, it is stated that the respondents have failed to implead the legal heirs of the deceased and they did not take steps for appointment of guardian for the minor.

4.It is further stated that the order of delivery is illegal. Pending the suit, the first respondent settled the property in favour of his son, which was suppressed in the proceedings and prayed the delivery order to be set aside.

5.On the side of the respondents, it is stated that delivery was effected yesterday (I.e., on 19.12.2019) and therefore, nothing survives to adjudicate further.

6.It is seen that the petitioners failed to file second appeal. The delivery was already effected. In the above circumstances, the Civil Revision Petition is dismissed as infructuous. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Principal District Munsif,  
Sivagiri.

C.R.P. (PD) (MD)No.2354 of 2019

**20.12.2019**

MRN

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