

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Rev. Appl. 21 of 2020

1. G.Krishnammal
2. A.Savithri Ammal

Krishnasamy Naidu (died)

3. K.Rajeswari
4. G.Krishnamoorthy
5. G.Murali
6. G.Srinivasan

Jayalakshmi (died)

7. G.Rani
8. G.Nirmala

... Applicants

Versus

सत्यमेव जयते

1. M.Sakunthala
 2. G.Lakshmi Ammal
 3. Minor Geetha
 4. Minor Nagaraj
- R3 and R4 represented by Court Guardian

5. Rajamestry
6. Veerasami Naidu

... Respondents

PRAAYER :Review Application is filed under Order 47 Rules 1 and 2 read with Sec. 114 of C.P.C., praying to review its order dated 16.12.2019 in C.R.P. (PD) 4135 of 2019.

For Petitioners : Mr.P.Valliappan

For Respondents : Mr. Jermiah Gregory John

ORDER

Today, when the matter taken up for hearing, Mr.P.Valliappan, learned counsel appearing for review petitioners submitted that, this court by an order dated 16.12.2019 directed the court below to dispose the application within a period of one month from the date of receipt of copy of the order. However, against the preliminary decree, a Second Appeal in S.A. 1249 of 1998 has been filed. In the Second Appeal, the order of status quo has been granted, and the status quo is still in force. In view of the order of status quo passed in the Second Appeal, the final decree proceedings cannot be

proceeded with, and the 1st respondent has failed to bring to the notice of this court about the pendency of the Second Appeal. The learned counsel has also produced the copy of the order passed in S.A. 1249 of 1998.

2. Mr. Jeremiah Gregory John, learned counsel appearing for respondents is not in a position to dispute the above statement.

3. I have considered the rival submissions made by learned counsel appearing for petitioners as well as learned counsel appearing for respondents.

4. Considering the fact that, already the status quo order has been granted by this court in the Second Appeal, the order passed by this Court is modified as follows :-

“The court below is directed to take up the final decree application in I.A. 200 of 1997 in O.S. 312 of 1982 after the disposal of S.A. 1249 of 1998, and in the event of final decree application has been

disposed of, the order passed is to be kept in
abeyance till the disposal of Second Appeal.”

Accordingly, this Review Application stands disposed of. No
costs.

11.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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Note : Issue order copy today.



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V.BHARATHIDASAN,J.

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