

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(NPD).No.2245 of 2011

and

M.P.No.1 of 2011

1.Vasanth

2.Malliga

...Petitioners

Versus

Palanisamy (died)

1.Murugaraj

...2nd Respondent/
1st Respondent

2.Munusamy

3.Selvam

4.Marakkal

5.Durayan

6.Madhammal

7.Amutha

...Respondents 2 to 7/
Respondents 3 to 8

8.Easwari

9.Maheswari

10.Yosotha

...Respondents 8 to 10/
Proposed parties

PRAYER: This Civil Revision Petition has been filed under Section 227 of the Constitution of India to set aside the order made in I.A.No.24 of 2011 in A.S.No.13 of 2010, on the file of the learned Additional District Judge, Fast Track Court No.I, Salem, dated 04.03.2011.

For Petitioner

: Mr.V.Ashok Kumar

For R2 to R10

: No appearance

ORDER

This Civil Revision Petition has been filed against the order passed by the learned Additional District Judge, Fast Track Court No.I, Salem, in I.A.No.24 of 2011 in A.S.No.13 of 2010, dated 04.03.2011.

2 Brief facts of the case are as follows:

The first respondent herein and the deceased viz. Palanisamy have filed a suit in O.S.No.176 of 2003 for partition of the suit property and the same was decreed. Thereafter, an appeal was filed against the judgment passed in the suit under Section 96 read with Order 41 Rule 1 of CPC, in A.S.No.13 of 2010 before the learned Principal District Judge, Salem. Thereafter, an application was filed under Order 22 Rule 4 and Section 151 of CPC, in I.A.No.24 of 2011, before the learned Principal District Judge, Salem, to implead the proposed parties as legal heirs of the deceased/first respondent in the suit viz., Palanisamy. The second respondent therein has filed counter and the same was adopted by the parties 1 to 3, which shows that they admitted the proposed parties are the legal representatives of the deceased/first respondent therein. The proposed parties 9, 10 and 11 have also concurred that as per the Will, the second defendant/respondent is

entitled for his beneficiary and hence, the petition was disposed of.
As against the same, this Civil Revision Petition has been filed.

3 Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

4 On a perusal of the records, it appears that A.S.No.13 of 2010 itself is disposed of and hence, the Civil Revision Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Speaking Order:Yes/No

To

The Additional District Judge,
Fast Track Court No.I, Salem.

06.01.2020

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RMT.TEEKAA RAMAN., J.

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