

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Civil Revision Petition (PD) No.868 of 2013

1. Krishnamoorthy
2. Saradha
3.Kuppammal

... Petitioners

Vs

1. Ramakrishnan (died)
2.Gopinathan
3.Gokulakrishnan
4.Vasantha
5.Manjula
6.Gangalakshmi

(Respondents 2 and 3 LRs of the deceased R1 Ramakrishnan brought on record vide Court order dated 27.11.2019 made in C.M.P.No.16723/2016 in CRP No.868/2013)

(Respondents 4 to 6 brought on record as LRs of the deceased R.Ramakrishnan vide

Court order dated 27.11.2019 made in C.M.P.No.16722 of 2016 in C.R.P.No.868/2013) ... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the Judgment and decree dated 28.11.2012 passed in C.M.A.No.3/2012 on the file of Principal District Court, Villupuram confirming the fair and the decretal orders dt. 20.03.2012 passed in I.A.No.114/2012 in O.S.No.37/2012 before the II Additional Subordinate

Judge, Villupuram.

For Petitioner : Ms.R.Meenal

For Respondents : Mr.C.A.Divakar (R2 and R3)

ORDER

This Civil Revision Petition has been filed against the Judgment and decree dated 28.11.2012 passed in C.M.A.No.3/2012 on the file of Principal District Court, Villupuram confirming the fair and the decretal order dated 20.03.2012 passed in I.A.No.114/2012 in O.S.No.37/2012 before the II Additional Subordinate Judge, Villupuram.

2. The Petitioners are the plaintiffs in O.S.No.37 of 2012 on the file of Additional Subordinate Judge, Villupuram. In the said suit, the petitioners filed an application for interim injunction in I.A.No.114 of 2012. The said petition was dismissed on 20.03.2012. Challenging the said order, the petitioners filed an appeal before the Principal District Court, Villupuram in C.M.A.No.3 of 2012. The Appellate Court also dismissed the C.M.A. on 28.11.2012. Challenging the said Judgment the petitioners filed the present petition before this Court.

3. The learned counsel for the petitioners would submit that during the pendency of the revision, written statement was filed, issues were also framed and trial also commenced. He would further submit that the plaintiffs' side evidence was over and posted for defendants side evidence. At this juncture, the learned counsel for the revision petitioners prays to close this revision to seek remedy in the suit.

4. Considering the submissions made by the learned counsel for the petitioners, this Court directs the trial court to proceed the suit in O.S.No.37 of 2012 and dispose the suit on merits in accordance with law, without being influenced by any of the observations made in the order passed in interlocutory application as well as in the Judgment passed in C.M.A.

5. With the above directions, this Civil Revision Petition is disposed of. No costs.

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arr

Index: Yes/No.

Internet: Yes

Speaking order/non speaking order

P.VELMURUGAN,J.

arr

To

1. The Principal District Court, Villupuram
- 2.II Additional Subordinate Judge, Villupuram.



C.R.P.(PD).No.868 of 2013

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