

C.R.P.(PD).No.1540 of 2020
and C.M.P.No.8843 of 2020

M. GOVINDARAJ, J.

The matter is listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner would submit that there is some typographical error in the order passed by this Court dated 01.09.2020. He would further submit that the trial Court has returned the application without numbering the same for including the property in the final decree, whereas, it is typed as dismissed refusing to include the property in the preliminary decree.

3. Hence, the Registry is directed to replace the word 'dismissed' in paragraph Nos.1 and 2 as 'returned' and replace the words “preliminary decree” as “final decree” in the lines four and five of paragraph No.2.

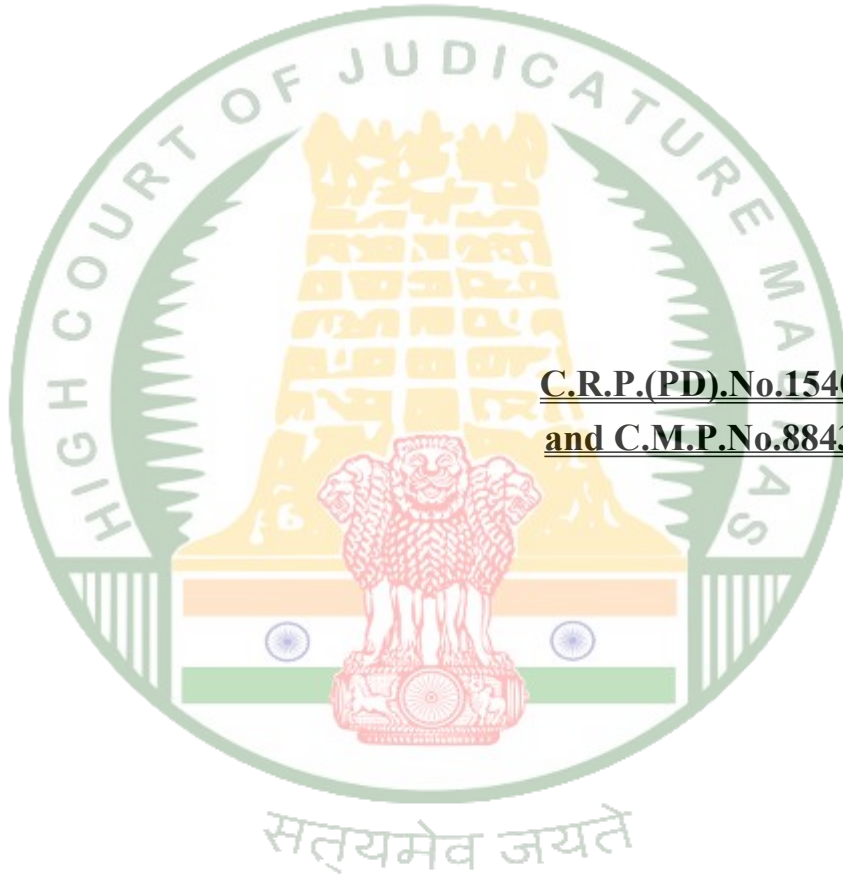
WEB COPY 29.09.2020

***Note: Registry is directed to carry out the necessary corrections
and issue fresh order copy to the parties by 05.10.2020.***

asi/ms

M. GOVINDARAJ, J.

asi/ms



C.R.P.(PD).No.1540 of 2020
and C.M.P.No.8843 of 2020

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29.09.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No.1540 of 2020

and C.M.P.No.8843 of 2020

Susheela

... Petitioner

Vs.

1. P.S.Natarajan (Died)
2. N.Sundrambal
3. Ponnusamy
4. Chitra
5. Sennimalai Gounder (Died)
6. Govindasamy
7. Easwaramoorthy
8. Soundari
9. Ponmanilatha
10. Deepa
11. Rayappa Gounder (Died)
12. Rayathal
13. Subramaniam

14. Kulandaiammal ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to direct the Subordinate Judge, Palladam, to number the I.A.S.R.No.1708 of 2020 in O.S.No.165 of 1991 (Tiruppur Sub Court) within a time stipulated by this Court.

For Petitioner : M/s.A.Thiyagarajan

ORDER

The present Civil Revision Petition is filed for a direction directing the Subordinate Judge, Palladam, to number I.A.S.R.No.1708 of 2020 in O.S.No.165 of 1991 filed for including the property which is found in the preliminary decree application. The trial Court dismissed the application without even numbering the same.

2. The learned counsel for the petitioner would draw the attention of this Court to the preliminary decree which was passed on the basis of the Compromise Memo, wherein, this property is shown as item No.4 of Schedule 'A'. Since, this property is found missing in the preliminary decree, he wanted to include the same in the preliminary decree, but, the application was dismissed without even numbering the same.

3. The learned counsel for the petitioner would rely on the judgment of the Madurai Bench of this Court in ***C.R.P.(MD) No.2621 of 2015***

dated 07.12.2015 and C.R.P.PD (MD) No.2059 of 2009 dated 10.12.2009.

4. Considering the facts and circumstances of the case and the ratio laid down by this Court, a direction is given to the Subordinate Judge, Palladam, to number I.A.S.R.No.1708 of 2020 in O.S.No.165 of 1991 and dispose of the same after giving notice to the parties concerned within a period of one month from the date of resumption of physical hearing of the Courts.

With the above direction, this Civil Revision Petition is disposed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.09.2020

asi

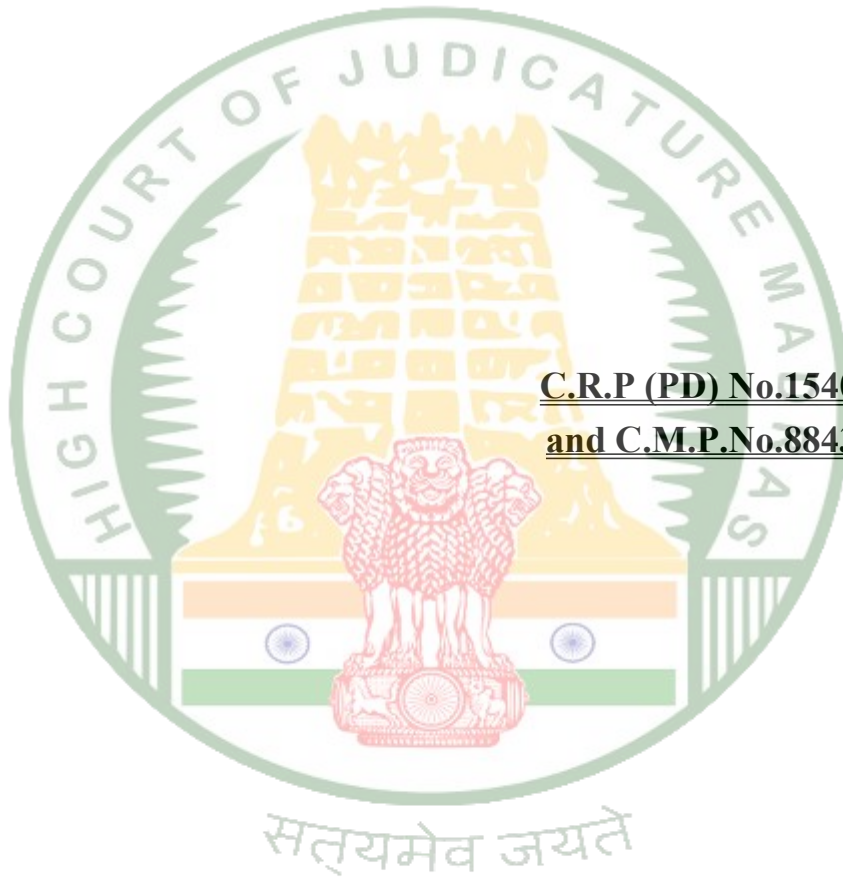
To

The Subordinate Judge,
Palladam.

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M.GOVINDARAJ, J.

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01.09.2020