



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD)No.914 of 2019

and

C.M.P. (MD)No.5264 of 2019

WEB COPY

Arulmighu Vinnagaraperumal Thirukoil,
Tenkasi,
Through its Trustee Sankaran,
S/o.Ramasamy Naidu,
Residing at Door No.232/338,
Keelapalayam Street,
Tenkasi,
Tirunelveli District.

:Petitioner/Petitioner/Petitioner/
3rd Party

.. Vs ..

1.Ilavarasi
2.Krishnaveni
3.Sudalayandi Selvam
4.Arul Mariappan

: Respondents/Respondents 1 to 4/
Respondents 1 to 4/Petitioners/
Decree holders/ Plaintiffs

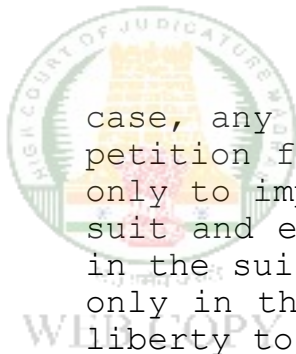
PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decretal order dated 27.04.2019 passed in E.A.No.151 of 2018 in E.A.No.62 of 2018 in E.P.No.201 of 2005 in O.S.No.442 of 2003 on the file of the Principal District Munsif Court, Tenkasi.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.T.S.R.Venkataramana

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ORDER

When the matter is taken up for hearing, the learned Counsel appearing for the petitioner states that this Civil Revision Petition is directed against the order dismissing the petition filed by the revision petitioner to implead themselves as party in the Execution Petition in E.A.No.151 of 2018 in E.A.No.62 of 2018 in E.P.No.201 of 2005 in O.S.No.442 of 2003 on the file of the Principal District Munsif Court, Tenkasi. Since the execution petition is closed, the learned Counsel appearing for the petitioner would submit that the prayer in this Civil Revision Petition has become infructuous. However, the learned Counsel appearing for the petitioner seeks liberty to review this Civil Revision Petition, in



case, any further order is passed in the execution proceedings. The petition filed before the lower Court by the revision petitioner is only to implead the revision petitioner, who is a third party to the suit and execution proceedings. Once the petitioner is not a party in the suit and they have filed an application to implead themselves only in the execution proceedings, the petitioner need not seek any liberty to review this Civil Revision Petition as the Civil Revision Petition is dismissed as infructuous by closure of execution proceedings.

2.Recording the submission of the learned Counsel appearing for the petitioner, this Civil Revision Petition is dismissed as infructuous. It is open to the petitioner to seek appropriate remedy if any order adverse to the interest of the petitioner's in the execution proceedings is passed later. While making this observation, this Court has not expressed anything on merits about the petitioner's right. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

The Principal District Munsif,
Tenkasi.

+1 CC to Mr.T.S.R. VENKATRAMANA, Advocate (SR-14455[F] dated 19/08/2020)

+1 CC to Mr.G. PRABHU RAJADURAI, Advocate (SR-14487[F] dated 20/08/2020)

C.R.P. (MD) No. 914 of 2019
18.08.2020

VB (02.09.2020) 2P 4C