

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD).No.2115 of 2018
and C.M.P.No.12910 of 2018

1.Vasantha
2.S.Balaji
3.S.Latha
4.S.Kanthappa
5.S.Dinakaran
6.S.Jayanthi
7.S.Johnsirani @ Rani ... Petitioners

Vs

Nagasundaram Mudaliar (Died)
Dayanandan Mudaliar (Died)
S.Ponnurangam (Died)
Arumugam Mudaliar ... Respondent

Prayer: Civil Revision Petition filed under Section 115 of CPC, against the docket Order dated 07.07.2018 passed by the II Additional District Judge, Ranipet in I.A.SR.No.1948 of 2018, declining to take the same.

For Petitioners : Mr.Giridhar and Sai

For Respondent : M/s.Sri Ranjini for M/s.T.P.Prabakaran

ORDER

This Civil Revision Petition is filed against the docket Order dated

07.07.2018 passed by the II Additional District Judge, Ranipet in I.A.SR.No.1948 of 2018, declining to take the same, thereby return for want of corrections.

2. The petitioners are the plaintiffs and the respondents are the defendants in the suit. The petitioners filed a suit for partition. The suit was dismissed by the Judgment and Decree dated 23.08.2010. Aggrieved by the same, the petitioners filed appeal suit in A.S.No.6 of 2012. While pending the appeal, the petitioners filed an application only in the year 2018 for direction not to raise any construction in the suit property till the disposal of the appeal against the respondents under Section 151 of CPC. The First Appellate Court returned the said application questioning the maintainability. Again on 28.06.2018 the petitioners represented the application by endorsing with the First Appellate Court as got inherent power under Section 151 of CPC to entertain the petition. Again the said application was returned for the previous to be complied. It seems thereafter, the petitioners filed to represent the same.

3. That apart, the appeal suit was filed in the year 2012 and the

present Civil Revision Petition was filed in the year 2018. Therefore, the present Civil Revision Petition was filed only to drag the proceedings. This Court finds no infirmity or irregularity in the order passed by the First Appellate Court, while returned the application for certain compliance.

4. Accordingly, this Civil Revision Petition is dismissed. However, the appeal suit is of the year 2012, the Appellate Court dispose the appeal within the period of *three months* from the date of receipt of a copy of this order, if not already disposed of. If at all any grievance passed by the petitioners they are at liberty to file appropriate petition before the Appellate Court. Consequently, connected miscellaneous petition is closed. No order as to costs.

23.04.2021

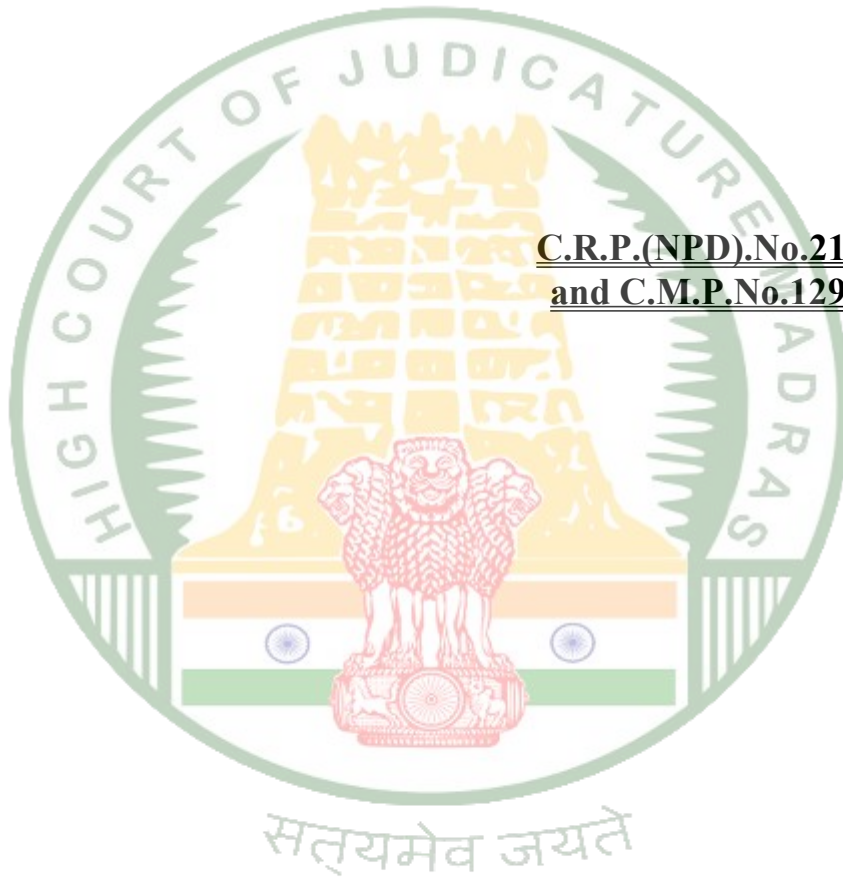
Internet:Yes
Index:Yes/No
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To

The II Additional District Judge,
Ranipet.

G.K.ILANTHIRAIYAN. J.

rna



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