

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.1653 of 2021
and C.M.P. Nos.12803 & 12805 of 2021

Dhanasekaran

...

Petitioner /
9th Defendant

versus

1.Kantha
2.Kumudha
3.Perumal
4.Elumalai
5.Saraswathi
6.Ebher Muralidharan

....
Respondents /
Plaintiffs

Annalammal (died)

7.Kiresha
8.Ruban
9.Ranjit Kumar
10.Jebakumar
11.Loganathan
12.Jayalakshmi
13.Vasantha
14.Manoharan
15.Viviyan
16.Minor Reny

Rep. by Mother Viviyan
Son of Late Raja
C/o.Viviyan

2/301, Kambar Street,
Mudichur, Tambaram Taluk,
Kanchipuram District,
Chennai - 600 048.

17.Minor Joe

Rep. by Mother Viviyam

Son of Late Raja

C/o.Viviyam

2/301, Kambar Street,
Mudichur, Tambaram Taluk,
Kanchipuram District,
Chennai - 600 048.

18.Ananthi

19.Ramachandran

20.Kanakaraj

21.Chitra

22.Subhatra

23.Lakshmi

24.Munusamy

25.Santhalingam

26.Indira

27.Arumugam

28.Srinivasan

29.Lalitha

Respondents /
Defendants 1 to 8, 10 to 25

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the docket order dated 17.04.2021 passed in I.A.No.232 of 2020 in O.S.No.82 of 2014 on the file of the District and Sessions Court-II, Kanchipuram.

For Petitioner : M/s.VKR.Balakrishnan

ORDER

This Civil Revision Petition is filed to set aside the docket order dated 17.04.2021 made in I.A.No.232 of 2020 in O.S.No.82 of 2014 passed by the learned District and Sessions Judge No.II, Kanchipuram.

2. The respondents 1 to 6 / plaintiffs have filed the suit against the petitioner and others, for the relief of declaration that, the impugned family arrangement deed dated 22.06.1959 executed by Late.Munusamy in favour of Late.Gopal and legal heirs of Annalammal in respect of 'A' and 'B' schedule properties, is illegal, null and void ab-initio, the declaration that the impugned released deed dated 08.04.1987 executed by the defendants 1 and 25 in favour of the ninth defendant in respect of 'C' schedule property, is illegal, null and void ab-initio and declaration that the impugned sale deed dated 03.05.1993 executed by Murugammal, defendants 6 to 10 and Late.Rajan and defendants 14 and 15 in favour of defendant No.25 in respect of 'D' schedule property, is illegal, null and void ab-initio and for the relief of partition of 'A' and 'B' schedule property.

3. I.A.No.232 of 2020 was filed for the relief of interim injunction, restraining the defendants 2 to 25 from in any manner altering or developing the nature of the suit 'A' and 'B' schedule properties, till pending disposal of the suit. The learned counsel for the petitioner filed a certified copy of the petition and orders passed in I.A.No.232 of 2020. The docket order passed on 17.04.2021 reads as follows;

" I.A.128/2021 pending
Counsel for both side present. Petitioner's side arguments heard in part. Exhibits P1 to P13 were marked. Continuation of respondents side arguments by 27.4.2021. "

Against this docket order, the present Civil Revision Petition is filed.

4. It is apparent on the face of the record that I.A.No.232 of 2020 is pending adjudication. There is no final orders passed in this I.A. as of now. I.A. was heard in part and pending for the submissions of the learned counsel for the petitioner and then by the respondents. It is not known how the learned counsel for the petitioner has filed this Civil Revision Petition against the docket order, which is the recording

day-to-day adjudication of the Court. This petition is misconceived and it is not maintainable. When this Court inclined to impose costs, the learned counsel for the petitioner submitted that, he wants to withdraw this petition.

5. In view of the submissions made, the learned counsel for the petitioner is permitted to withdraw this petition. Hence, this Civil Revision is dismissed as withdrawn. Consequently, connected Miscellaneous Petitions are closed. However, there is no order as to costs.

17.08.2021

Speaking order / Non-speaking order

Index : Yes / No

sri

To

The District and Sessions Judge No.II,
Kanchipuram.

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G.CHANDRASEKHARAN, J.

sri



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