



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (MD)No.2608 of 2012

and C.M.P. (MD) No.8300 of 2021

1. Athinarayanan
2. Rajanayagam

... Revision Petitioners/
Appellants/Petitioners

Vs.

1. Athan
2. Backiyanathan
3. Padmanaban
4. Thiyagarajan
5. Ramachandran
6. Athisekar
7. Panchavarnam
8. Sumathi

...Respondents/Respondents/
Respondents

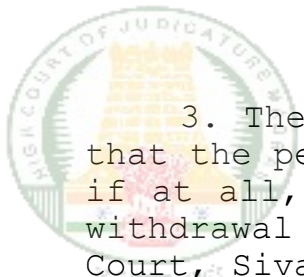
PRAYER: Civil Revision Petition is filed under Article 115 of Constitution of India, against the fair and decreetal order dated 20.09.2012 in I.A.No.263/2011 in Unnumbered A.S.No. of 2011 on the file of the learned Sub Judge, Sivagangai.

For Petitioners : Mr.V.R.Shanmuganathan
For Respondents : Mr.P.T.S.Narendravasan
for Mr.AThirumurugan
for R1.
T.Lajapathi Roy
For R6 to R8.

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 20.09.2012 in I.A.No.263 of 2011 in Unnumbered A.S.No. ... of 2011 on the file of the learned Sub Judge, Sivagangai.

2. The learned counsel for the petitioners would submit that the main Civil Revision Petition is filed against the dismissal order in I.A.No.263 of 2011 filed to condone the delay of 1046 days in filing Appeal against the judgment and decree passed in O.S.No.3 of 2001, dated 09.04.2008, by the learned District Munsif, Sivagangai. The petitioners are the defendants 2 & 3 in the original suit. The suit had been filed by one Athan, seeking for declaration and injunction. The suit was dismissed on 09.04.2008. Subsequently, the said Athan had filed an appeal in A.S.No.54 of 2012 on the file of the Sub Court, Sivagangai and later due to compromise arise between the parties, the said Athan had withdrawn the First Appeal.



3. The learned counsel for the petitioners would further submit that the petitioners are defendants 2 and 3 in the original suit and if at all, the petitioners are aggrieved due to the compromise and withdrawal of the appeal in A.S.No.54 of 2017 on the file of the Sub Court, Sivagangai, they can only initiate independent proceedings by filing separate suits and not by filing appeal. He would further submit that the petitioners have been duly advised on that aspect and thereby, they do not want pursue the appeal and thereby, seek to withdraw the revision and prayed that liberty may be granted to the petitioners to workout their relief in the manner known under law.

4. Accordingly, this Civil Revision Petition stands dismissed as not pressed with liberty to the petitioners to workout their relief in the manner known under law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Judge,
Sivagangai.

+1 CC to M/s.A.THIRUMURUGAN, Advocate (SR-33309[F] dated 29/10/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33057[F]
dated 28/10/2021)

C.R.P. (MD)No.2608 of 2012

27.10.2021

DKS (CO)

GC/PM(15.11.2021) 2P 4C