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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRP (NPD) (MD) .No. 762 of 2021 and
CMP (MD) No.4165 of 2021

1.M.Gowri Nachiar

2.M.Prabakaran ...Petitioners/Petitioners/Respondents/Defendants

Vs.

Vasanth Mallika Nachiar (died)

1.R. Malaichamy

2.M.Dhinakarajan

3.M.Umamaheswari

4.M.Usha

5.M.Mohankumar ...Respondents/Respondents/Petitioners/Plaintiffs

PRAYER:- Civil Revision Petition filed under Section 115 of CPC as against the fair and decreetal order passed by the Principal District Munsif, Manamadurai in E.A.No.4 of 2021 in E.P.No.13 of 2015 in O.S.No.48 of 2004, dated 01.04.2021.

For petitioners : Mr. N. Tamilmani
For Respondents : Mrs.S. Chandrasekaran

ORDER

This Civil Revision is directed against the order passed in E.A.No.4 of 2021 in E.P.No.13 of 2015 in O.S.No.48 of 2004, dated 01.04.2021, dismissing the application filed under Order 21 Rule 26 (1) CPC for staying the order of delivery, passed by the Principal District Munsif, Manamadurai,

2.Today, when the matter is taken up for hearing, the learned counsel appearing for both sides would submit that the Second Appeal was taken on file in S.A.No.262 of 2021 and the same is pending.

3.It is pertinent to note that the revision petitioner has filed the petition in E.A.No.4 of 2021 for staying the delivery order. Since the Second Appeal is pending, nothing survives for adjudication in this revision and hence, the revision has become infructuous.



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CRP(PD)(MD).No. 762 of 2021 and

4. In the result, the Civil Revision Petition is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif, Manamadurai.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-22020[F] dated 12/07/2021)

+1 CC to M/s.S.CHANDRASEKARAN, Advocate (SR-22460[F] dated 14/07/2021)

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