



WEB COPY



CRP (NPD)No.2350 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.(NPD).No.2350 of 2004  
and C.M.P.No.18839 of 2004

1.Marappa Gounder (Died)  
2.Rasammal  
3.Sellappan  
[Petitioners 2 & 3 are impleaded  
vide order dated 12.12.2022 made  
in C.M.P.No.21569 of 2022]

..Petitioners

Vs.

1.Raja Gounder (Died)  
2.Muthu @ Chinnapaiyan (Died)  
3.Elangovan (Died)  
4.Sellappa Gounder (Died)  
5.Muthuraja Gounder (Died)  
6.Chinnapillai  
7.C.Sengottuvel  
8.C.Thangamani  
9.Velayee  
10.Palanivel  
11.Valliammal  
12.Sekar  
13.Rasammal  
14.S.Selvaraj  
15.S.Rajavel  
16.P.Sampoornam  
[R6 to 8 brought on record as Lrs of  
the deceased R2 viz., Muthu @  
Chinnapaiyan vide Court order

..Respondents



CRP (NPD)No.2350 of 2004

dated 14/11/2017 made in  
CMP.Nos.526, of 2009 in  
CRP.No.2350 of 2004]

[R9 & 10 brought on record as Lrs  
of the deceased R1 viz., Raja  
Gounder vide order dated  
14.11.2017 made in  
C.M.P.No.1822 of 2010 in  
CRP.No.2350 of 2004]

[R13 to 16 brought on record as Lrs  
of the deceased R4 viz Sellappa  
Gounder vide order dated  
12.01.2022 made in  
C.M.P.No.15583 to 15585 of 2019  
in CRP.No.2350 of 2004]

[R11 & 12 brought on record as Lrs  
of the deceased R5 viz., Muthuraja  
Gounder vide order dated  
14.11.2017 made in  
C.M.P.No.4333 of 2016 in  
CRP.No.2350 of 2004]

**Prayer:** Civil Revision Petition filed under Section 115 of CPC, to set aside the  
fair and decreetal order of the Subordinate Judge's Court at Sankari dated  
12.07.2004 in I.A.No.46 of 2004 in A.S.No.63 of 1989.

For Petitioners : Mr.P.Valliappan

For Respondents : No appearance



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**ORDER**

The civil revision petition has been filed to set aside the fair and decreetal order of the Subordinate Judge's Court at Sankari dated 12.07.2004 in I.A.No.46 of 2004 in A.S.No.63 of 1989.

2. This Court finds no infirmity or illegality in the order passed by the Court below. Further, the respondents died and their respective legal heirs are also not impleaded before the trial Court. Therefore, the civil revision petition is dismissed. However, the first Appellate Court is directed to dispose of the appeal within a period of three months from the date of receipt of a copy of this order.

3. In so far as some of the respondents are concerned, the petitioner had already entered into a compromise and settled their issues amicably by a compromise memo dated 06.06.2022 and the same was recorded. The first Appellate Court is directed to dispose of the appeal suit as against the other contesting respondents. No costs.

12.12.2022  
(2/2)

Speaking/Non-speaking order  
Index : Yes/No  
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**G.K.ILANTHIRAIYAN.J.**



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CRP (NPD)No.2350 of 2004

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To

The Subordinate Judge,  
Sankari.

CRP.No.2350 of 2004

12.12.2022  
(2/2)