



C.R.P.(NPD).No.928 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.928 of 2011

and

M.P.No.1 of 2011

- 1.Sundarrajan (deceased)
- 2.Indira
- 3.Ramesh
- 4.Illayarani
- 5.Minor Manju
- 6.Minor Anusha

[Petitioners 5 and 6 are represented by their mother
& guardian, 4th petitioner herein]

[Petitioners 2 to 6 brought on record as LR's of the deceased
sole petitioner vide court order dated 12.01.2017 made in
C.M.P.No.9092 of 2016 in C.R.P.No.928 of 2011]

... Petitioners

Versus

- 1.S.Natarajan
- 2.Sivasankaran
- 3.Radhakrishnan
- 4.Varadharajan
- 5.Ganapathy
- 6.Manisankaran



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- 7.Viswanathan
8.Selvam
9.Sethu Ammal (Died)
10.Vijayalakshmi
11.Sambandam
12.Duraisamy
13.Madahavan
14.Senthilvadivu
15.Padma
16.Nivetha
17.Minor Sriram

[R15 to R17 are impleaded as per order dated 12.01.2017
made in C.M.P.No.9092 of 2016 in C.R.P.No.928 of 2011]

... Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order in I.A.No.24 of 2009 in A.S.No.30 of 2008 dated 13.12.2010 on the file of the Court of District Judge, Nagapattinam and dismiss the I.A.No.24 of 2009 in A.S.No.30 of 2008 by allowing this Civil Revision Petition.

For Petitioners : Mr.A.Muthukumar

For R1 : Mr.V.Venkata Seshan

ORDER

This Civil Revision Petition is arising out of an order dated 13.12.2010 passed in I.A.No.24 of 2009 in A.S.No.30 of 2008.



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2. The application in I.A.No.24 of 2009 has been filed by the first respondent/third party to implead himself as a legal representative of the deceased/ third respondent in main first appeal in A.S.No.30 of 2008 on the file of the District Court, Nagapattinam. The first respondent relied on a Will dated 10.03.2003 allegedly executed by the deceased and the said petition was allowed. Aggrieved by the said order, the present Civil Revision Petition is filed by the appellant in main first appeal.

3. It was informed that the main first appeal itself was dismissed for default on 10.08.2019 and hence, nothing survives for adjudication in this Revision.

4. The learned counsel for the petitioners submitted that a petition had already been filed to set aside the order dated 10.08.2019 dismissing the first appeal.

5. Since the main first appeal itself is dismissed for default, nothing survives in this Revision and accordingly, the Civil Revision Petition is



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dismissed as infructuous. No costs. However, liberty is given to the petitioners to restore the Civil Revision Petition, if the petition to set aside the order dated 10.08.2019 is allowed and the main appeal is restored by the First Appellate Court. Consequently, connected miscellaneous petition is also closed.

06.06.2022

Index: Yes/No

Speaking Order: Yes/No

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To

- 1.The District Judge,
Nagapattinam.
- 2.The Section Officer,
VR Section,
Madras High Court.



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S.SOUNTHAR, J.

sp

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