



C.R.P.(NPD).No.4333 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	14.07.2022
PRONOUNCED ON :	23.08.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(NPD).No.4333 of 2013

and

M.P.No.1 of 2013

Periyasamy

... Petitioner/ 1st Respondent/
1st Respondent

Vs.

1) Selvambal

2) The Special Officer,
Kallakurichi Co-operative Sugarmill,
No.2, Kachirapalayam.

3) Manickam (Died)

4) Boopathy

5) Usharani

... Respondents/ Proposed
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.08.2013 made in I.A.No.177 of 2011 in A.S.No.30 of 2011 on the file of the Sub Court, Kallakurichi.



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For Petitioner	...	Mr.R.Kumaravel
For R-1	...	Mr.A.Arunbabu
For RR 4 & 5	...	Mr.G.Gopinath

ORDER

This Civil Revision Petition has been filed against the order, dated 03.08.2013 made in I.A.No.177 of 2011 in A.S.No.30 of 2011 on the file of the Sub Court, Kallakurichi.

2. Brief facts, which are necessary for the disposal of this Civil Revision Petition are as follows:-

2.1. Suit in O.S.No.108 of 2004 has been filed by the first respondent herein, seeking for partition and declaration and to allot a share to the first respondent/plaintiff of the suit schedule properties. The learned II Additional District Munsiff, Kallakurichi, vide judgment, dated 29.01.2011 had dismissed the



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above suit for non-joinder of necessary parties. Aggrieved against the said dismissal of the suit, the first respondent herein had preferred an appeal in A.S.No.30 of 2011 before the Appellate Authority. Pending Appeal, the first respondent herein/ appellant had also filed an application in I.A.No.177 of 2011, for impleading of necessary parties. After examination of the counter and submissions made on behalf of the petitioner/ first respondent herein, the learned Judge, Sub Court, Kallakurichi had allowed the application in I.A.No.177 of 2011, for impleading of necessary parties. Against the same, the aggrieved respondent therein, had preferred the present Civil Revision Petition, praying to set aside the order, dated 03.08.2013 made in I.A.No.177 of 2011 in A.S.No.30 of 2011 on the file of the Sub Court, Kallakurichi.

3. Perusal of records would go to show that the suit in A.S.No.30 of 2011 is of the year 2011. It is stated by the learned counsel appearing for the first respondent herein before this Court that there was no interim order of stay granted against the order, dated 03.08.2013 made in I.A.No.177 of 2011 in A.S.No.30 of 2011 on the file of the Sub Court, Kallakurichi. Since, the above application for impleading of necessary parties has been allowed and amendment in the cause title



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has also been carried out, and now, the case has been posted for 'final arguments', the learned counsel for the first respondent herein submitted that the prayer sought for by the revision petitioner has become infructuous, in view of the subsequent developments that had taken place and hence, prayed for dismissing the same as infructuous.

4. Considering the submissions made by the learned counsel for the first respondent and in view of the subsequent developments that had taken place in the present case, this Civil Revision Petition stands dismissed as infructuous, since nothing survives for further adjudication in the present case. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2022

Index : Yes/No
Internet : Yes/No

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To:

- 1) The Sub Court, Kallakurichi.
- 2) The Section Officer, V.R.Section,
High Court of Madras.



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J.NISHA BANU, J.,

sts

Order made in
C.R.P.(NPD).No.4333 of 2013

Dated:
23.08.2022