



C.R.P(NPD).No.1885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1885 of 2022

1.Jayamanil
2.Jothi
3.Umarani

... Petitioners

..Vs..

1.Vijaya
2.Maariyammal

... Respondents

Prayer:- Civil Revision Petition is filed under Section 115 of CPC, against the fair and final orders dated 15.09.2021 passed in I.A.No.4 of 2021 in A.S.No.06 of 2015 on the file of the Subordinate Judge, Perambalur.

For Petitioners : Mr.R.Nalliyappan

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Subordinate Judge, Perambalur, dated 15.09.2021, made in I.A.No.4 of 2021 in A.S.No.06 of 2015.



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2.The revision petitioners are the defendants 2 to 4 in the suit filed by the respondent/plaintiff in O.S.No.440 of 2000 and the said suit has been decreed. Aggrieved over that, the petitioners/defendants 2 to 4 have preferred an appeal in A.S.No.6 of 2015. In the said appeal, the petitioners/defendants 2 to 4 have filed an interlocutory petition also in I.A.No.4 of 2021 to receive additional documents. The learned First Appellate Judge in a common judgment dated 15.09.2021 dismissed A.S.No.6 of 2015 and I.A.No.4 of 2021.

3.Despite the revision petitioners/defendants 2 to 4 have preferred a Second Appeal, challenging the judgment of the first appellate Court and got it numbered in S.A.No.461 of 2021 and admitted on 17.06.2021, this Civil Revision Petition is filed, challenging the order passed in I.A.No.4 of 2021. The order passed in I.A.No.4 of 2021 forms part of the judgment passed in A.S.No.6 of 2015, which is now under challenge in the Second Appeal.



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3.Under such circumstances, no separate order can be passed in the Civil revision petition and that will impact the result of the second appeal. There are possibilities for conflicting orders also. Hence, it is ideal for the petitioner to canvass the grounds he raised in this Civil Revision Petition in his Second Appeal itself.

4.With the above observations, the Civil Revision Petition is disposed of. No costs.

21.06.2022

vkrr

Index:Yes No

Speaking Order:Yes/No

To

- 1.The Subordinate Judge,
Perambalur.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

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