



C.R.P.No.3200 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3200 of 2022

and

C.M.P.No.17052 of 2022

Mathiazhagi @ Senthamaraiselvi

... Petitioner

Vs.

Bhavani (Deceased)

1.Ravindravarma

2.Venkatarajan

3.Rajarajan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to direct the Additional Sub Judge, Puducherry to take on record and number the I.A.SR.No.10520 of 2022 and other interlocutory application before passing any orders in I.A.No.105 of 2011 in O.S.No.49 of 1989.

For Petitioner : M/s.Hariprasath D.G

For Respondents : No Appearance

ORDER

The revision petitioner has come up with this Civil Revision Petition seeking direction to the Additional Sub Court, Puducherry to number the application in I.A.SR.No.10520 of 2022 and other Interlocutory Application before passing any orders in I.A.No.105 of 2011 in O.S.No.49 of 1989.



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2. The petitioner had obtained a preliminary decree for partition in O.S.No.49 of 1989 on the file of the Additional Sub Court, Puducherry. The said preliminary decree was modified by the High Court in A.S.No.786 of 1997. Thereafter, the petitioner herein filed a final decree petition in I.A.No.105 of 2011 for passing a final decree as per the preliminary decree modified by the High Court. In the final decree proceedings, the revision petitioner appeared to have filed a petition seeking preferential right of acquisition in I.A.No.SR.10520 of 2022. The grievances of the petitioner is that application was neither numbered nor returned.

3. The learned counsel for the petitioner raised apprehension, if the final decree is passed without considering the application in I.A.SR.10520 of 2022, his valuable rights will be affected. Private notice taken to the respondents 1 to 3 are served and there is no representation for the respondents

4. The only grievance of the revision petitioner is the fate of the application filed by him in I.A.SR.No.10520 of 2022 is not known. Therefore, the Court below is directed to number the petition filed by the revision petitioner in I.A.SR.No.10520 of 2022 said to have been filed by the petitioner, if it is otherwise in order and dispose of the same in accordance with law.



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5. The revision petitioner also prayed for numbering of other Interlocutory Application filed by him in the final decree proceedings. However, the petitioner has not furnished the SR number of the said application. In the absence of the SR number of the application allegedly filed by him, this Court is not inclined to issue any direction in respect of other Interlocutory Application said to have been filed by the revision petitioner. With this direction, the above Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order / Non-Speaking Order
jai



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S.SOUNTHAR, J.

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To

1. The Additional Sub Court,
Puducherry.

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