



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (NPD) (MD)No.1210 of 2014
and CMP (MD)Nos.6306 of 2017

Sivakumar

... Petitioner

Vs

Durai Samy Reddiyar (Died)

Sevukal (Died)

1.Vairaperumal

2. Ponnudurai

3. Manickam

4. Chelladurai @ Ayyadurai

5. Solaiyappan

Radhakrishnan (Died)

6. Veerappan, S/o.Muttappan

7. Amar Babu

8. Sujatha

9. Venkadachalam Rediar

10.Thirumalairaj *

****R10 impleaded as party as per order of this Court
in CMP (MD)No.2679 of 2021***

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C. to set aside the fair and decreetal order passed in E.A.No.33 of 2010 in E.A.No.198 of 2004 in E.P.No.68 of 2003, in O.S.No.845 of 1982, on the file of learned District Munsif, Musiri, dated 18.09.2013.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.N.Syed Ali (R10)



ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the fair and decreetal order passed in E.A.No.33 of 2010 in E.A.No.198 of 2004 in E.P.No.68 of 2003, in O.S.No.845 of 1982, on the file of learned District Munsif, Musiri, dated 18.09.2013.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.Perusal of case records show that as per order in E.A.No.33 of 2010, the trial Court ordered to implead one Thirumalairaj and Venkatachalam as respondents in E.A.No.198 of 2004. Aggrieved by this, the present revision has been filed by the revision petitioner and the ground that the Thirumalairaj himself had filed petition in CMP(MD)No.2679 of 2021, to implead him in the revision petition and the same was allowed by this Court. In the execution petition, the newly added party has to file impleading petition and also to prove the will. After deciding the rights of said Thirumalairaj, the E.P. Court has to proceed with the execution petition.

4.With these observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The District Munsif, Musiri

2.The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.N. SYED ALI, Advocate (SR-19879[F] dated 20/04/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-19920[F] dated 20/04/2022)

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