



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(PD) (MD) .No. 703 of 2020

and

C.M.P(MD) .No.4705 of 2020

WEB COPY

1.Veeranan @ Jeyapandi

2.Alagammal @ Jeyalakshmi

.. Petitioners/Petitioners/
Appellants

Vs.

1.Pandiammal

2.Alagammal

A.P.V.Veeranan Ambalam @ Pasuvanathan (Died)

3.Solammal

.. Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order passed in I.A.No.446 of 2019, in unregistered A.S.No. Of 2019, on the file of the Sub Court, Melur.

For Petitioners : Mr.C.Prabhu Rajadurai

For Respondents : Mr.S.A.Ajmal Khan (R1, R2)

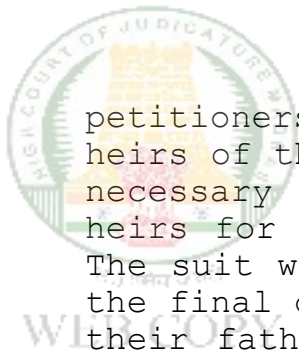
Mr.K.Vinoharan (R3)

ORDER

This Civil Revision Petition has been filed by the revision petitioners to set aside the fair and decreetal order passed in I.A.No.446 of 2019, in unregistered A.S.No.... of 2019, on the file of the Sub Court, Melur.

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

3.The revision petitioners filed a petition in I.A.No.446 of 2019, to condone the delay of 3588 days, in filing the appeal against the pre-decree in O.S.No.181 of 2006. Admittedly, the



petitioners are not the parties to the suit. They are the legal heirs of their grand-father viz., Veeranan Ambalam. So they are the necessary parties to the suit. But they have only added as legal heirs for their father, who are parties to the suit for partition. The suit was dismissed for default and pre-decree was passed and in the final decree stage, the petitioners are added as legal heirs for their father. Now the shares of these petitioners also should be decided by the trial Court and without impleading the petitioners in the suit, pre-decree cannot be passed. But considering the pendency of the final decree for filing commission report, this Court is inclined to give direction to the trial Court in final decree petition the shares of the petitioners also to be decided. But the reason for the delay is not genuine.

4. Accordingly, this Civil Revision Petition stands dismissed, by confirming the order passed by the learned Subordinate Judge, Melur in I.A.No.446 of 2019 in unregistered A.S.No..... of 2019, dated 07.02.2020. However, the trial Court is directed to decide the shares of each members of the joint family in final decree petition and also the Court can receive the Commissioner's Report before passing final decree and the shares should be decided. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

The Subordinate Judge, Melur.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-18200[F] dated 12/04/2022)

+1 CC to M/s.S.A. AJMAL KHAN, Advocate (SR-18255[F] dated 12/04/2022)

C.R.P (PD) (MD) .No. 703 of 2020

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