



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.(PD) (MD) No.271 of 2018

and

C.M.P.(MD) No.1185 of 2018

1.S.Palaniammal
2.S.Shanmuga Sundari
3.S.Parameswari .. Petitioners

-vs-

1.R.Ramesh Kumar
2.T.Mamalla Mahendran @
T.M.Mahendran
3.T.Padmavathy Nachiyar
4.S.Radhakrishnan
5.G.Thavamani
6.P.Mangalanathan
7.Ravi @ Rathinavelu Thevar

8.The President,
MDA - HSG - 90,
Madurai North Cooperative Housing Society,
Door No.27, Vaithiyanatha Iyer Street,
Shenoy Nagar, Madurai Town,
Madurai District - 625 020.

9.Pandian Cooperative Stores (BB 22),
Care of Madurai District Pandian Cooperative
Wholesale Stores Limited,
Shop No.27, Ground Floor,
Vaithiyanatha Iyer Street,
Shenoy Nagari, Madurai-625 020.

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India to set aside the fair and executable order dated 05.09.2017 passed in I.A.No.179 of 2017 in O.S.No.232 of 2015 on the file of First Additional District Court, Madurai.

For Petitioners : Mr.J.Barathan
For R1 : Mr.A.B.Prabhakar



ORDER

It is informed that the suit itself in O.S.No.232 of 2015 has been disposed of on 05.11.2020. Records would indicate that the application, which is the subject matter of challenge is the application filed by the revision petitioners/third party to implead them as party in the suit for partition. The impleading application was dismissed on 05.09.2017 and immediately, the petitioners have moved this Court by filing the instant Civil Revision Petition. Records would further indicate that the petitioners did not have the benefit of interim stay. However, the matter appears to have been argued extensively and orders were reserved and thereafter, the matter was de-part heard and could not be taken up for hearing. In these circumstances, while dismissing the Civil Revision Petition as infructuous, this Court is inclined to safeguard the petitioners' right to independently agitate their right.

2.In the result, this Civil Revision Petition is dismissed as infructuous, giving liberty to the petitioners to independently agitate their right. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The I Additional District Judge, Madurai.

+1 CC to M/s.A.B.PRABHAKAR, Advocate (SR-3192[F] dated 31/01/2022)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-2712[F] dated 28/01/2022)

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SJ(CO)

TR(15.02.2022) 2P 4C

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