



CRP(PD)(MD)No.2051 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2051 of 2022

and

C.M.P.(MD)No.9375 of 2022

S.Sathiyamarayanan @ Satheesh

... Petitioner

versus

1. P.S.Alagiri Chettiar Trust,
Rep. through its present
Managing Trustee,
P.S.A.S.Srinivasan
285, East Masi Street,
Madurai – 625 001.

2. R.Sundaram

3. A.Venkatesh

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the fair and executable order passed in I.A.No.243 of 2022 in O.S.No.514 of 2017 on 08.08.2022 by the learned II Additional Sub Judge, Madurai.



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For Petitioner : Mr.Babu Rajendran

ORDER

This Civil Revision Petition is filed against the order dated 08.08.2022 passed in I.A.No.243 of 2022 in O.S.No.514 of 2017 by the learned II Additional Sub Judge, Madurai.

2. The petitioner herein is the third party to the suit in O.S.No. 514 of 2017, which was pending before the learned II Additional Sub Judge, Madurai. According to him, he is the necessary party to the suit. Therefore, he filed an interlocutory application in I.A.No.243 of 2022 under Order 1 Rule 10 C.P.C. to implead him as a party to the suit. However, the said application was dismissed by the trial Court by order dated 08.08.2022. Aggrieved over the same, the present Civil Revision Petition is filed.



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3. The learned counsel for the petitioner fairly submits that the main suit in O.S.No.514 of 2017 itself has been dismissed for default on 27.09.2022. Therefore, nothing survives for adjudication in the Civil Revision Petition. However, he seeks liberty to file a fresh Civil Revision Petition, if an application filed to restore the suit is allowed.

4. Accordingly, the Civil Revision Petition is closed, with liberty to the petitioner to file a fresh Civil Revision Petition, if an application filed to restore the suit is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2022

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Index : Yes / No.

Internet: Yes / No.

To

1. The learned II Additional Sub Judge,
Madurai.

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