



WEB COPY



CRP.No.1853 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1853 of 2016 and
CMP.No.9716 of 2016

1.Pachaiammal(died)

2.V.Bavani

(2nd petitioner brought on record as LR of the deceased
sole petitioner viz Pachaiammal vide court order
dated 02.02.2023 made in CMP.No.21543 of 2022
in CRP.No.1853 of 2016)

... petitioners

Vs.

1.Minor Thilaka

rep. by her next friend and mother

Vijayalakshmi

2.Vijayalakshmi

3.Gnanasekaran

4.Murugesan

5.Thangamani

6.Kutti @ Kutti Pappa

... Respondents

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to
set aside the fair and decretal order of the Subordinate Court at Dharmapuri dated
02.09.2015 in IA.No.455 of 2014 in OS.No.79 of 2010.

For Petitioners : Mr.T.Deeraj
for Mr.S.M.S.Shriram Narayanan

For Respondents
For R1 : Mr.S.C.Vishwanath



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ORDER

This civil revision petition has been filed to set aside the fair and decretal order of the Subordinate Court at Dharmapuri dated 02.09.2015 in IA.No.455 of 2014 in OS.No.79 of 2010, thereby appointed receiver to maintain B, C & D schedule properties including collection of rent and other income from the suit properties. Insofar as 'A' schedule property, the court below dismissed the application seeking appointment of receiver.

2. Heard the learned counsel appearing on either side.

3. Respondents 1 and 2 are the plaintiffs and the first petitioner is the second defendant. Respondents 1 and 2 filed suit for declaration, injunction and partition. While pending the suit, the first petitioner filed application to appoint receiver in order to maintain the suit schedule properties. In respect of 'A' schedule property, by the sale deeds dated 01.04.1992, 26.02.1998 and 25.03.1996, it was executed in favour of one, C.Mani. Therefore, the trial court rightly appointed receiver only in respect of B, C & D schedule properties. Hence, this Court finds no infirmity or illegality in the order passed by the court below.



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4. Accordingly, this civil revision petition is dismissed. However, the trial court is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.02.2023

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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G.K.ILANTHIRAIYAN, J.

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To

The Subordinate Court at Dharmapuri

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