



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

CORAM:

THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY, J.

C.R.P.(PD)No.1722 of 2023

Saradha

... Petitioner

Vs.

1. Lakshmi
2. Nandha Kumar
3. Manickam
4. Chinnathambi @ sengodagoundar
5. Kannan @ Palanigoundar (died)
6. Jayammal
7. Rajammal
8. Krishnaveni
9. Minor Divya,
daughter of late Kannan @ Palanigoundar
represented by her mother
(This CRP is not pressed against respondents 4 to 9)

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the lower court and set aside the order dated 19.04.2023 passed in I.A.No.6 of 2023 in O.S.No.53 of 2011 passed by the learned Sub-ordinate Court, Sankari, Salem District.

For Petitioner : Mr.A.Gunaseelan

For Respondents : Mr.R.Marudhachalamurthy for R3



ORDER

WEB COPY This Civil Revision Petition lies within a narrow compass. Status quo was granted in favour of the petitioner on 13.10.2023. The said order was not extended for default in compliance with Order 39 Rule 3(a) C.P.C.

2. Learned counsel for the petitioner submits that Order 39 Rule 3(a) C.P.C. was complied with and that the failure to extend the order of status quo warrants interference.

3. Mr.R.Marudhachalamurthy, learned counsel, appears on behalf of the third respondent/Caveator. He submits that the petitioner should approach the trial court for disposal of I.A.No.6 of 2023 or assail the order by way of appeal. Therefore, he states that the revision petition is not maintainable.

4. Considering the fact that I.A.No.6 of 2023 is still pending before the trial court, the Civil Revision Petition is disposed of by directing the Subordinate Court, Sankari, Salem District to dispose of I.A.No.6 of 2023 within a period of two months from the date of receipt of copy of this order. It



is needless to say that all the parties to the said I.A should be heard before orders are passed.

5. Since this Court has not gone into the merits of the matter, the Civil Revision Petition is disposed of without notice to the first and second respondents. No costs.

18.05.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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SENTHILKUMAR RAMAMOORTHY, J.

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