



C.R.P.No.2365 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Civil Revision Petition No.2365 of 2019
and C.M.P.No.15392 of 2019

The Headmaster
Panchayat Union Primary School
Baluchettychatram Village
Kanchipuram Taluk and District.

... Petitioner

-Vs-

V.Suganthi
Trustee
Baluchettychatram Trust
Baluchettychatram Village
Kancheepuram Taluk.

... Respondents

Prayer : Civil Revision Petition under Section 115 of Civil Procedure Code against the fair and decretal order dated 14.11.2018 passed in I.A.No.709 of 2017 in O.S.No.438 of 2010 on the file of District Additional Musif at Kancheepuram.

For Petitioner : Mr.Edwin Prabakar
Special Government Pleader (CS)

For Respondents : Mr.T.Murugamanickam, Senior Counsel
for Mr.R.Munarak Basha

ORDER

This is a revision filed under Section 115 of the Civil Procedure Code. As per the second proviso to Section 115, unless and until allowing of the revision and setting aside of the trial court order puts an end to the suit, a revision is not



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maintainable. This objection is pointed out to me by Mr.Murugamanickam, learned Senior Counsel appearing for Mr.R.Munarak Basha. I am constrained to agree with the submission of the learned counsel.

2. Considering the fact that Mr.Edwin Prabhakar would plead that vital rights relating to immovable property are involved, I am inclined to permit the petitioner to file an appeal against the judgment and decree in O.S.No.438 of 2010 on the file of the District Munsif Court at Kancheepuram. The period for which this proceedings was bonafidely undertaken ie., from 14.11.2018 till 31.08.2023 will stand excluded. I am aware, I can exclude time only till today. However, taking into consideration the fervent pleas of Mr.Edwin Prabhakar, I am willing to grant thirty more days for the purpose of filing an appeal. I make it clear that this benefit will enure only in favour of the Head Master, Panchayat Union Primary School, Baluchettychathiram, Kancheepuram District. It is also made clear that the Headmaster shall be entitled to raise all the grounds that are available to him under law.

3. With the above observations, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No

NCS : Yes/No

KST



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To

The District Additional Munsif
Kancheepuram.



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V. LAKSHMINARAYANAN, J.

KST

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