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CRP.No.2852 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

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

CRP.No.2852 of 2008

Saradhambal

... petitioner

Vs.

1.Lakshmanan(deceased)

2.Balachandar

3.Rukmani

4.Sivabakkiyam

5.Narayanan

6.Chinnathambi

7.Pappathi

8.Raju

(Respondents 4 to 8 brought on record as legal representatives of the deceased R1 vide order of this Court dated 13.03.2013 made in MP.Nos.1 to 3 of 2012 in CRP.No.2852 of 2008)

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of CPC against the fair and final order dated 03.01.2008 made in REA.No.168 of 2005 in REP.No.11 of 2005 in OS.No.157 of 2003 on the file of the learned Subordinate Judge, Mettur.

For Petitioner : Mr.K.Saseendran
for Mr.V.L.Nehru



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For Respondents

R1 : died(steps taken)

R2 & 3 : Exparte

For R4 to 8 : Mr.P.Mani

ORDER

This civil revision petition has been filed against the fair and final order dated 03.01.2008 made in REA.No.168 of 2005 in REP.No.11 of 2005 in OS.No.157 of 2003 on the file of the learned Subordinate Judge, Mettur, thereby dismissed the petition filed under Order 21 Rule 47 Section 151 of CPC.

2. Heard, the learned counsel for the petitioner and the learned counsel for respondents 4 to 8.

3. In view of the subsequent final decree passed in IA.No.329 of 2005 in OS.No.400 of 1998 dated 05.09.2011, the fair and final order dated 03.01.2008 made in REA.No.168 of 2005 in REP.No.11 of 2005 in OS.No.157 of 2003 on the file of the learned Subordinate Judge, Mettur is set aside and this civil revision petition is allowed. The petitioner is at liberty to file a petition under Order 21 Rule 97 of CPC before the Execution Court. Thereafter, the Execution Court is directed to dispose of the said petition in view of the final decree passed in



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IA.No.329 of 2005 in OS.No.400 of 1998 since the property involved in both the suits are one and the same. There shall be no order as to costs.

05.01.2023

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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G.K.ILANTHIRAIYAN, J.

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To
The learned Subordinate Judge,
Mettur

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