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C.R.P.No.3359 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.3359 of 2019
and CMP.No.21891 of 2019

C.Kameshwaran

.. Petitioner / Respondent /
Respondent / Plaintiff

Vs

1.C.Thangavel

.. Respondent / Petitioner /
Appellant / 1st Defendant

Marayammal (Died)

2.Amaravathi

.. Respondent / Respondent /
Respondent / 3rd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 19.07.2019 made in I.A.No.112 of 2016 in Unnumbered A.S. in O.S.No.373 of 2009 on the file of the Court of the Principal Subordinate Judge, Erode.

For Petitioner : Mr.C.E.Pratap
For Respondents : Mr.A.Sundaravadanan for R1



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ORDER

In an appeal preferred by the appellant/first defendant in a partition suit, challenging the decree of the trial Court, whereunder it granted partial relief to the plaintiff, the first appellate Court had condoned the delay of 395 days in preferring the appeal. This is now under challenge by the revision petitioner/plaintiff.

2. Heard both sides and perused the papers. This Court does not find that the first appellate Court has misaddressed the issue. After all, it is a suit for partition and admittedly the plaintiff has been partially successful before the trial Court and since the facts have not become final yet, it is only appropriate the defendants are granted some opportunity to prosecute their appeal.

3. In view of the above, this revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12 .06.2023

Index : Yes / No
ds



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1. The Principal Subordinate Judge
Erode.
2. The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE.J.,

ds

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