



C.R.P.No.149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.149 of 2023
and C.M.P.No.1266 of 2023

1.Neelamegam
2.Tamizhselvam

..

Petitioners

Vs

Rajammal (Died)

1.V.V.S.Kumararaja Deekshidhar

2.The Commissioner
Chidambaram Municipality
Chidambaram.

3. Junior Engineer,
Supply and Maintenance Town east
TNEDB, Chidambaram.

4. The Executive Engineer,
[Supply and Maintenance]
TNEB, Chidambaram.



C.R.P.No.149 of 2023

Meenakshi (Died)

5. Rajadurai

6. Ganganadharan

Kalyani (Died)

7. Rathinasabapathy

8. Rajeshwari

9. V.V.Sivasangara Dheekshithar

10. Jaisankar

11. Rajasekaran

12. Nadarajan

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 12.07.2022 passed by the Learned Principle District Munsif, Chidambaram in I.A.No.108 of 2022 in O.S.No.227 of 2008.

For Petitioner : Mr.G.Pugazhendhi

For respondent : M/s.P.T.Thiruneelakandan



C.R.P.No.149 of 2023

ORDER

The Civil Revision Petition has been filed against the Fair and Decreetal order dated 12.07.2022 passed in the I.A.No.108 of 2022 in O.S.No.227 of 2008.

2. The Civil Revision Petitioners are the defendants 1 & 2 and the 1st respondent instituted a suit for permanent injunction. It is not in dispute that the suit is posted for arguments. However, the plaintiffs filed an Interlocutory Application in I.A.No.108 of 2022 to recast the issues framed in the suit. The said Interlocutory Application was adjudicated by the trial court and the said application was allowed in part by stating that the last Will executed by T.N.Thangarathina Deekshithar dated 28.12.2000 is valid in accordance with law and truthful. The earlier issue framed by the trial court was that, whether the said Will dated 28.12.2000 is true. The issue originally framed and subsequently recasted, shows that there is no much difference and therefore it will not alter the character of the suit and ultimately, the Court has to adjudicate and form an opinion, whether the



C.R.P.No.149 of 2023

Will was validly executed in accordance with law or not. When such being the overall issue to be considered in the suit, allowing the Interlocutory Application partly would not cause any prejudice to either of the parties.

3. Thus, the parties are at liberty to adjudicate the issue on merits and in accordance with law. The suit has already been posted for arguments and thus the trial Court shall dispose of the suit without causing any further delay.

4. Accordingly, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

Speaking Order/Non-Speaking Order.

Index: Yes/No.

Neutral Citation: Yes/No

nhs/kak



C.R.P.No.149 of 2023

Copy to:

WEB COPY Learned Principal District Munsif Court,
Chidambaram.



WEB COPY



C.R.P.No.149 of 2023

S.M.SUBRAMANIAM, J.

nhs

C.R.P.No.149 of 2023
and C.M.P.No.1266 of 2023

30.01.2023