



C.R.P(MD)No.530 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.530 of 2022

and

C.M.P(MD)No.2311 of 2023

1.Dhanapathi

2.Govindasamy

3.Umapathi

... Petitioners/Respondents 1-3/
Appellants

Vs.

1.Chinnappa Narankiyar

... 1st Respondent/Petitioner/
Proposed Respondent

2.The Government of Tamil Nadu,
Represented by The District Collector,
District Collectorate,
Pudukkottai.

...2nd Respondent/4th Respondent/
Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 10.01.2019 passed in I.A.No.36 of 2017 in I.T.C.M.A.No.1 of 2017 on the file of the Principal Sub Court, Pudukkottai and allow this civil revision petition.



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For Petitioners : Mr.D.Gurusamy
For R1 : Mr.K.Balasundharam
Senior Counsel
for M/s.Arul Jenifer

For R2 : Mr.C.Baskaran
Government Advocate

ORDER

The revision petitioner is the appellant in I.T.C.M.A.No 1 of 2007 pending on the file of principal Sub Court, Pudukkottai.

2. A third party by name, Chinnappa Narankiyar had filed I.A.No. 36 of 2017 to implead himself in the said appeal. The said impleading application was allowed by the learned Principal Subordinate Judge on 10.01.2019. Challenging the said order, the appellant in the appeal had filed C.R.P(MD)No.1950 of 2019 before this Court.

3. While the said revision petition was pending, I.T.C.M.A.No 1 of 2007 was dismissed for default and hence, C.R.P(MD)No.1950 of 2019 was closed by an order, dated 14.02.2020. According to the learned counsel appearing for the revision petitioners, thereafter, I.T.C.M.A.No.1 of 2007 was restored and hence, a fresh civil revision petition in C.R.P(MD)No.530 of 2022 has been filed challenging the same order.



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4. The learned senior counsel appearing for the 1st respondent pointed out that once this Court has closed the civil revision petition challenging the order, dated 10.01.2019 made in I.A.No.36 of 2017, a second revision petition cannot be filed challenging the same order. This Court is inclined to accept the said submission.

5. If I.T.C.M.A.No.1 of 2007 is restored, it is for the petitioner in C.R.P(MD)No.1950 of 2019 to restore the said civil revision petition and he cannot file a fresh civil revision petition. Therefore, C.R.P(MD)No.530 of 2022 is not maintainable and the same is dismissed as not maintainable. It is for the revision petitioner to restore C.R.P(MD)No.1950 of 2019, if he is so advised. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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- 1.The Principal Sub Court,
Pudukkottai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.530 of 2022

20.02.2023