



WEB COPY

C.R.P(MD)No.1518 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1518 of 2022

and

C.M.P(MD)No.6423 of 2022

1.N.Mohanasundaram

2.M.Bavani

... Petitioners/Respondents
Defendants 1 & 2

Vs.

1.N.Jothi

2.M.Rajeswari

3.N.Rajendra Prasad

... Respondents/Petitioners/
Plaintiffs

Civil Revision Petition is filed under Article 227 of the Civil Procedure Code, to set aside the fair and decreetal order dated 11.03.2022 passed in I.A.No.1 of 2021 in O.S.No.55 of 2013 by the Sub-Court, Sivakasi, Virudhunagar District.

For Petitioner
For Respondent

:Mr.M.Jothi Basu
:Mr.N.Dilipkumar



ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 11.03.2022 passed in I.A.No.1 of 2021 in O.S.No.55 of 2013 by the Sub-Court, Sivakasi, Virudhunagar District.

2. According to the revision petitioners/defendants, the respondents/plaintiffs filed a suit in O.S.No.55 of 2013 for partition claiming 1/4 share each in the suit schedule property, before the Sub-Court, Sivakasi. In the said suit, preliminary decree was passed. Against which, the petitioners have preferred an appeal suit in A.S.No.40 of 2020 and the same is posted for argument. At that stage, the respondents/plaintiffs have moved an application in I.A.No.1 of 2021 to appoint an Advocate Commissioner. The said application was allowed by the Executing Court, on 11.03.2022. Aggrieved by the same, the present civil revision petition is filed.

3. During the course of argument, the learned counsel appearing for the revision petitioners fairly conceded that the appeal suit was dismissed on 26.07.2022. Against which, the revision petitioners preferred second appeal in S.A(MD)No.747 of 2022 before this Court and the same was dismissed on 27.06.2022. Therefore, nothing survives in this revision for consideration.



4.In view of the above, the order dated 11.03.2022 passed in I.A.No.1 of 2021 in O.S.No.55 of 2013 by the Sub-Court, Sivakasi, Virudhunagar District, is confirmed and the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

1.The Sub-Court,
Sivakasi,
Virudhunagar District.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY

C.R.P(MD)No.1518 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

C.R.P(MD)No.1518 of 2022

11.08.2023