



C.R.P.(MD).Nos.1191 and 1192 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)Nos.1191 and 1192 of 2018

and

C.M.P(MD) No.5034 of 2018 in C.R.P(MD) No.1191 of 2018

C.R.P(PD)(MD) No.1191 of 2018:

1. Avudaiappan
2. Muthaiya
3. Manjanambi (died) ... Petitioners/Respondents/Plaintiffs
4. Raja Rajeshwari
5. Shanmugavadivu ... Proposed Petitioners

(Petitioners 4 and 5 are brought on record as
Legal heirs of the deceased 3rd petitioner
vide order of this Court dated 23.08.2023 made in
C.MP(MD) Nos.10682 to 10684 of 2023
in C.r.P(MD) No.1191 of 2018)

-VS-

A.Mariyappan ... Respondent/Petitioner/3rd Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No. 1035 of 2017 in O.S.No.137 of 2015, dated 05.04.2018 on the file of the District Munsiff Court, Kovilpatti.



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C.R.P.(MD).Nos.1191 and 1192 of 2018

For Petitioners : Mr.H.Arumugam

For Respondent : Mr.P.Rajagopalan

C.R.P(PD)(MD) No.1192 of 2018:

1. Avudaiappan
2. Muthaiya
3. Manjanambi (died) ... Petitioners/Respondents/Plaintiffs
4. Raja Rajeshwari
5. Shanmugavadivu ... Proposed Petitioners

(Petitioners 4 and 5 are brought on record as
Legal heirs of the deceased 3rd petitioner
vide order of this Court dated 23.08.2023 made in
C.M.P(MD) Nos.10685 to 10687 of 2023
in C.r.P(MD) No.1192 of 2018)

-vs-

A.Mariyappan ... Respondent/Petitioner/3rd Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No. 1036 of 2017 in O.S.No.137 of 2015, dated 05.04.2018 on the file of the District Munsiff Court, Kovilpatti.

For Petitioners : Mr.H.Arumugam

For Respondent : Mr.P.Rajagopalan



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COMMON ORDER

These Civil Revision Petitions have been filed by the petitioners against the order passed in the re-call and re-open applications in I.A.Nos. 1035 and 1036 of 2017 in O.S.No.137 of 2015, dated 05.04.2018 on the file of the District Munsiff Court, Kovilpatti.

2. At this juncture, the learned counsel for the respondent would submit that though the Civil Revision Petitions have been filed against the recall and reopen order, in the interregnum, P.W.1 in whose favour the recall application was filed, was again examined as early as on 22.12.2022.

3. It is also pertinent to mention here that now, the suit is pending at the stage of arguments having hearing on 27.09.2023. In this regard, the learned counsel for the respondent filed the print out of the e-Court website as evidence to that effect. Which factum is fairly conceded by the learned counsel for the petitioners.



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4. Therefore, this Court is of the view that nothing survives in these Civil Revision Petitions. Hence, these Civil Revision Petitions stand **disposed of**. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

14.09.2023

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

To
1. The District Munsiff Court,
Kovilpatti.



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C.KUMARAPPAN,J.

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