



C.R.P(MD)No.1883 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD) No.1883 of 2017

and

C.M.P(MD) Nos.9798 & 9799 of 2017

1.Krishnan Suresh Kumar

2.A. Muthumari @ Mallika

3.V. Ayyamperumal

4.A.Jeya

...Petitioners

Vs.

1.R. Murugan

2.R. Murugan

3.M. Balammal

4.Petchiammal

5.E. Koilammal



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6.S. Rammamoorthy

7.Devika Ranjani

8. A. Subramanian

9.Geetha

K. Somu (died)

10.K. Usha Rani

11.K. Lakshmanan

12.Sridevi

13.V. Prakash babu

14.G. Thanagaraj

15.P. Pramma Thevan

16.Ramu Ammal

17.D. Christopher Jeyapaul

18.A. Durairaj

19.T. Maniraj

20.Jay Mary

21.N. Ponnammal @ santhi

22.C. Jeyaraj



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23.R. Pon Selvi

24.P. Subasri

25.K. Usharani

26.K. Thiruvassagam

27.V. Muruganantham

28.P. Amma Ponnu

29.S. Anbu Selvi

30.Santhi Varma

31. Prithivi S. Ajish

32.C. Ramasundaram

33.Kalammal

34.T. Ramasamy

35.M. Chelladurai

36.Gomathi

37.Chandra

38.G. Prem Kumar

39.Gnanasundari

40.Jeyarani



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41.R. Sangeetha

42.C. Varadharajan

43.Vimala

44.C. Santhankumar

45.N.Anandaraj, Narayanan

46.C. Perinba Roja

47.P. Chelladurai

48.Y.Chinnathai

49.S. Mohamed Rafeeq

50.M. Ansar Ali

51.S. Saravanan

52.Muthulakshmi

53.R. Murugan

54.N. Murugaiah

55.Reginal

56.P. Narayanan

57.S. Madasamy

58.Krishna Bama



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59.J. Mumtaj

60.J. Sathikkul Ameen

61.M. Sornaraj

62.Margaret Rani

63.K. Krishnan

64.Mangayarkarasi

65.G. Ramasamy

66.M. Manickasamy

67.Poochendu

68.S. Michael

69.V. Jessaiaya

70.S. Sivanthi

71.Jeyalakshmi

72.Seethalakshmi

73.A. Subakumar

74.Tamizharasi

75.K. Kanagasabapathy

76.R. Simson Packiyaraja



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77.R. Senthatti

78.A. Arunachalam Pillai

79.Valliammal

80.Selvi

81.A. Senthilveli

82.Shanmugathai

83.Valliammal

84.Petchiammal

85.Subbulakshmi

86.Dr. C. Babu

87.M.D.R. Renganathan

88.T.Maharajan

...Respondents

(Respondents in I.A./Defendants 1, 2, 5, 7, 8, 11, 13, 18, 19, 20, 22 to 24, 26 to 31, 33 to 35, 39 & 40, 42, 46, 48, 50, 57 to 62, 64 to 67, 70 to 76, 78 and 88 to 90 were called absent and set *ex-parte* in the trial Court and hence, notice to respondents 2, 3, 5, 7, 8, 10, 12, 17 to 19, 21 to 23, 25 to 30, 32 to 34, 38, 39, 41, 45, 47, 49, 56 to 61, 63 to 66, 69 to 76, 86, 87 and 88 herein are not necessary and notice to them may be dispensed with)



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.06.2017 made in I.A.No.980 of 2015 in O.S.No.168 of 2010 on the file of the Additional Subordinate Court, Tirunelveli and to allow the same by allowing the present Civil Revision Petition

For Petitioners : Mr. S.P. Maharajan

For Respondents : Mr.P.R. Boomeerajan - for R1

Mr.Ananth C.Rajesh - for RR4 & 68

Mr. M.S. Jawaharlal - for RR6, 9, 13, 36,
37, 40, 51, 52 & 54

Mr. S. Palanivelayutham - for RR42 to 44

No Appearance – for RR11, 14, 16, 20, 35,
46, 48, 50, 53, 62, 67, 77, 79 to 85.

Dispensed with - for RR2, 3, 5, 7, 8,10,
12, 17, 18, 19, 21, 22, 23, 25 to 30, 32 to 34
38, 39, 41, 45, 47, 49, 56 to 61, 63 to 66,
69 to 76 & 86 to 88.



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Expired – RR15 & 78

Unserved – for RR24, 31, 61 & 55

ORDER

This Civil Revision Petition is filed against the order 02.06.2017 passed in I.A.No.980 of 2015 in O.S.No.168 of 2010 on the file of the Additional Subordinate Court, Tirunelveli.

2. This Court called for the report from the concerned Principal District Judge, by order dated 19.10.2023 with regard to the status of the suit in the trial Court. Accordingly, the concerned Principal District Judge, has sent a report wherein, it is stated that the suit in O.S.No.168 of 2010 on the file of the Additional Subordinate Court, Tirunelveli, is dismissed for non-prosecution, by its decree and judgment, dated 04.11.2019.

3. In view of the above, as already the suit itself is dismissed for non-prosecution, in the considered opinion of this



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Court, nothing survives for further adjudication in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition is dismissed as infructuous. If the petitioners intend to ventilate their rights against the plaintiffs in O.S.No.168 of 2010, the petitioners are always at liberty to proceed in accordance with law.

5. No costs.

6. Consequently, connected Civil Miscellaneous Petition is closed.

31.10.2023

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



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To
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The Additional Subordinate Judge,
Additional Subordinate Court,
Tirunelveli.



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BATTU DEVANAND, J.

RM

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(1/2)

31.10.2023