



C.R.P.(MD)No.2610 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2610 of 2023

and

C.M.P.(MD)No.13614 of 2023

J.Kavitha

... Petitioner/
Petitioner/
Appellant

Vs.

S.Subramani

... Respondent/
Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the ex-order and fair order dated 30.08.2023 made in I.A.No.1 of 2023 in A.S.No.1 of 2023 on the file of the Sub Court, Periyakulam and allow the above Civil Revision Petition.

For Petitioner : Mr.J.Lawrance

ORDER

The Civil Revision is directed against the order passed in I.A.No.1 of 2023 in A.S.No.1 of 2023 dated 30.08.2023 on the file of the Sub



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Court, Periyakulam, dismissing the application filed under Order 41 Rule 5 C.P.C.

2. The respondent has filed a suit in O.S.No.130 of 2016 and obtained a decree on 28.11.2022 in his favour. Aggrieved by the said decree, the revision petitioner has filed an appeal in A.S.No.1 of 2023. Pending appeal, the revision petitioner has filed the above application in I.A.No.1 of 2023 to frame additional issues and to remand the matter to the trial Court for fresh disposal. The learned Subordinate Judge, by observing that the order for framing of additional issues cannot be passed separately and it can be decided at the time of judgment, has ordered the petition to be heard along with the main appeal.

3. As rightly observed by the learned Subordinate Judge, without hearing the appeal, the question of framing of additional issues and the question of remitting the case to the trial Court does not arise at all. Hence, this Court is not inclined to interfere with the order passed by the learned Subordinate Judge in I.A.No.1 of 2023 in A.S.No.1 of 2023 dated 30.08.2023.



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4. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

11.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Sub Court,
Periyakulam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2610 of 2023
and
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