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C.R.P.(NPD).No.1425 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.1425 of 2021
and CMP.No.11107 of 2021

R.Elumalai (died)

1.E.Vasanth

2.Bhuvaneshwari

3.Thamaraiselvi

... Petitioners

vs.

R.Dhakshinamoorthy (Deceased)

1.K.Jeyalakshmi

R.Padmavathi (died)

2.Dharanibai

3.Rajendran alias Rajesh

4.Rajeshwari

5.Vijayalakshmi

6.E.Venkatesan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 20.07.2009 passed in I.A.No.22174 of 2003 in O.S.No.12301 of 1996, on the file of the



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IV Assistant City Civil Court, Chennai and remand back the same for the purpose of proper division in accordance with law and on facts, by allowing this Civil Revision Petition.

For Petitioners : Mr.R.Marudhachalamurthy
For Respondents :M/s.Rukmani R.V
for P.B.Ramanujam for R2 to R5

O R D E R

The Civil Revision Petition is filed challenging the final decree passed in a partition suit. Against a final decree, a regular first appeal will lie. Therefore, in view of the availability of alternative remedy of first appeal, the Civil Revision Petition under Article 227 of Constitution of India is not maintainable as held in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Ors. Vs. Tuticorin Educational Society and Ors.*, reported in *MANU/SC/1365/2019*.

2. In view of the law settled by the Hon'ble Apex Court in the judgment cited above, the Civil Revision Petition is not maintainable and consequently, the same is dismissed.



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3. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

30.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The IV Assistant City Civil Court,
Chennai.



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S.SOUNTHAR, J.

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