



C.R.P.(PD)(MD)No.522 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD)No.522 of 2021

1.M.S.Mariappan
2.S.Sekar
3.S.Paramasivam

... Petitioners

Vs.

1.S.Sivaprakasam
2.S.Nallathambi
3.S.Balakrishnan
4.S.Ramachandran
5.Jansi Rani

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to direct the learned I Additional District Court, Madurai, to pass a preliminary decree in the suit for partition in O.S.No.30 of 2019 on its file on the basis of joint memos filed by the Parties to the suit.

For Petitioners : No Appearance



C.R.P.(PD)(MD)No.522 of 2021

ORDER

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This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned I Additional District Court, Madurai to pass a preliminary decree in the suit for partition in O.S.No.30 of 2019, pending on its file basing on the joint memos filed by the parties to the suit.

2. Though this Civil Revision Petition is of the year 2021, no notice is ordered as on date.

3. When the matter has come up for consideration on 25.03.2024, there was no representation for the petitioners and hence, the matter was directed to be listed under the caption “For dismissal” today.

4. Today, in spite of the matter being listed under the caption “For dismissal”, there is no representation for the petitioners initially, and hence, when the matter was passed over. Even thereafter also, there is no representation for the petitioners. In the circumstances, this Court is left



C.R.P.(PD)(MD)No.522 of 2021

with no other option except to dismiss the Civil Revision Petition for non-prosecution.

5. However, considering the nature of prayer made in the Civil Revision Petition, which does not require any adjudication on merits by this Court, this Civil Revision Petition is disposed of granting liberty to the petitioner to file an appropriate application instead of memos for passing a preliminary decree, as sought for in the present Civil Revision Petition and in case if any such application is filed, the learned trial Court shall examine the same and pass appropriate orders thereon in accordance with law, as expeditiously as possible.

6. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs.

26.03.2024

NCC : Yes/No
Index : Yes/No

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C.R.P.(PD)(MD)No.522 of 2021

MUMMINENI SUDHEER KUMAR, J.

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To

1. I Additional District Court, Madurai.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.522 of 2021

26.03.2024