



C.R.P.(MD)No.224 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.224 of 2024
and C.M.P.(MD).No.943 of 2024

1.Vethamuthu

2.Aruldoss Rayappan ... Petitioners/Respondents 1 and 2

Vs.

1.Alponesmary ... 1st Respondent/Petitioner

2.Jothisakayamary ... 2nd Respondent/2nd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in O.S.No.27 of 2012 on the file of the District Munsif Court, Nilakkottai, dated 20.10.2023.

For Petitioner : Ms.M.Sudharani

ORDER

This criminal original petition has been filed to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in O.S.No.27 of 2012 on the file of the District Munsif Court, Nilakkottai, dated 20.10.2023.



C.R.P.(MD)No.224 of 2024

2.The first respondent has filed a suit in O.S.No.27 of 2012 on the file of the learned District Munsif, Nilakottai. Preliminary decree was passed on 29.11.2018. An appeal was also filed against the same in A.S.No.22 of 2019 on the file of the Additional Subordinate Court, Dindigul, which was dismissed. Against which second appeal also filed and pending before this Court. When the preliminary decree is under challenge before this Court, the final decree application was filed by the plaintiff before the trial Court, wherein, commissioner was also appointed.

3.The learned counsel for the petitioner would submit that while appointing the Commissioner the trial Court has observed that half of the property must be allotted to the share of the plaintiff. The above said portion is now under dispute. May be that a wrong observation has been made by the trial Court and the Commissioner. If at all, he can only make objections after filing the Commissioner Report. What are all the defence, grievance can be taken out at the relevant point of time.

4.I find that there is no reason to admit this revision, of course



C.R.P.(MD)No.224 of 2024

with the above said observations this petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The III Additional Sub-ordinate Judge,
Madurai.

2.The District Collector
Madurai District, Madurai.

3.The Special Tahsildar (L.A)
Airport Extension, Unit -1,
Madurai - 625 020.

4.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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