



C.R.P. (MD) No. 324 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

**C.R.P. (MD) No.324 of 2020
and
C.M.P.(MD) No.1824 of 2020**

N.Ramakrishnan

... Petitioner

-VS-

1.Prema Jebamani

2.M.V.Shantha

3.N.Ramados (died)

4.Prema

5.Nalini

6.Usha

7.Subash

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A.No. 7 of 2018 in O.S.No.23 of 2015, dated 09.12.2019 on the file of the learned II Additional District and Sessions Judge, Tuticorin and allow the Civil Revision Petition.



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For Petitioner : Mr.K.C.Ramalingam

For R-1, R-2, R-4

to R-7

: Mr.A.Thiruvadikumar

ORDER

This Civil Revision Petition came to be filed challenging the order passed in I.A.No. 7 of 2018, an application for appointment of Advocate Commissioner in the suit for partition in O.S.No.23 of 2015, dated 09.12.2019 on the file of the learned II Additional District and Sessions Judge, Tuticorin, in which a preliminary decree has already been passed on 13.04.2017.

2. Heard Mr.K.C.Ramalingam, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned counsel appearing for respondent Nos.1, 2 and 4 to 7.

3. When the matter came up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner herein is the defendant in O.S.No.23 of 2015 before the trial Court and the respondent in I.A.No. 7 of 2018.

4. It was pointed out by the learned counsel for the respondents that without challenging the preliminary decree dated 13.04.2017, the petitioner has



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filed I.A.No.7 of 2018 challenging the order passed by the trial Court allowing the application for appointing an Advocate Commissioner for carrying out the mandates of the preliminary decree.

5. Per contra, the learned counsel appearing for the petitioner submitted that already an appeal has been preferred as against the said preliminary decree before this Court and it has been numbered as A.S.Sr.(MD).No.2457 of 2022 and the delay petition has been numbered as C.M.P.(MD).No.6063 of 2022 and notice has also been ordered. The same is not contradicted by the learned counsel appearing for the respondents.

6. In view of the same, nothing survives for further adjudication in this Civil Revision Petition and the same stands **closed**. No costs. Consequently, the connected Miscellaneous Petition is closed.

04.07.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The II Additional District and Sessions Judge, Tuticorin.

2. The Section Officer, Vernacular Section,

Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

TSG

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