



C.R.P.(MD)No.378 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(MD)No.378 of 2020

and

C.M.P.(MD)No.2242 of 2020

1.Moses

2.Koilpillai

... Petitioners

Vs.

1.Kirubai

2.Ashokkumar

3.Princy

4.Grace

5.Prabakaran

6.Rajasingh

7. Pricilla

8.Chelliah

9.Chandran

10.Gnanamani

Antonyammal (died)

... Respondents

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PRAYER : Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 11.11.2019 in IA. No.1/2019 in I.A. No.493 of 2011 in O.S. No.102 of 2011 on the file of the Additional Sub Court Tirunelveli.

For Petitioners : Ms.K.Shwathini
for Mr.I.Robert Chandrakumar

For Respondents : Mr.V.Balaji

ORDER

It is brought to the notice of this Court as early as on 16.02.2024, that pursuant to the preliminary decree that was passed in O.S.No.102 of 2011, dated 21.02.2014, final decree proceedings have been initiated and delivery of possession was ordered on 12.10.2023 in E.P.No.18 of 2022 and it is also informed that the delivery of possession of the property has also taken place on 29.02.2024.

2. In view of the same, the matter was adjourned on two occasions, to enable the learned counsel for the petitioners to get instructions in the matter. The said fact of delivery of possession by passing a final decree is not in dispute.



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The present Civil Revision Petition is filed against an order passed refusing to set aside the *exparte* preliminary decree at the instance of the petitioners / defendant Nos.8 and 11.

3. In view of the fact that the final decree proceedings have already been concluded, the question of setting aside the *exparte* of preliminary decree at this stage does not arise. Hence, practically, the Civil Revision Petition has become infructuous.

4. In view of the same, the Civil Revision Petition is dismissed as infructuous. Leaving it open to the petitioners to raise all the grounds that were available, in case any appeal is filed against the final decree. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

07.03.2024

Neutral Citation: Yes / No
Index : Yes / No
Internet : Yes/No
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MUMMINENI SUDHEER KUMAR, J.

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To

- 1.The Additional Sub Court,
Tirunelveli.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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