



C.R.P.(MD)No.558 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.558 of 2024

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... Petitioner/Petitioner/Plaintiff

Vs.

Muniandi

... Respondent/Respondent/Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order passed by the District Munsif and Judicial Magistrate Court, Tiruchuli, Virudhunagar District, in I.A.No.1 of 2023 in O.S.No. 108 of 2021 on 08.12.2023.

For Petitioner : Mr.M.Jothi Basu

ORDER

This petition has been filed to set aside the fair and decreetal order passed by the District Munsif and Judicial Magistrate Court, Tiruchuli, Virudhunagar District, in I.A.No.1 of 2023 in O.S.No.108 of 2021 on 08.12.2023.



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2. On the basis of the revenue records, the petitioner wants to amend the extent mentioned in item No.3. According to the learned counsel for the petitioner, the above said extent was wrongly mentioned as 59 ares. But as per the Revenue records, it is 1.63 hectares. Hence, seeking amendment of the same, he filed a petition before the trial Court. That was dismissed by the trial Court stating that since appeal is pending in A.S.No.21 of 2023, before Sub Court, Aruppukottai, the petitioner has to workout his remedy before the appellate Court itself.

3. There is no question of invoking the jurisdiction of the trial Court once again, when the appeal is pending. So the ground of dismissal passed by the trial Court, does not suffer from any illegality or irregularity. The order passed by the trial Court is sustained, of course with liberty to the petitioner to workout his remedy before the appellate Court.

4. Accordingly, this civil revision petition stands dismissed. No costs.

28.02.2024



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Index : Yes / No

Internet : Yes / No

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To

1.The District Munsif Cum Judicial Magistrate, Tiruchuli, Virudhunagar District.

2.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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