



C.R.P.(NPD)(MD).No.628 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.628 of 2019

and

C.M.P(MD) No.3227 of 2019

Senthil

... Petitioner/Petitioner/5th Defendant

-vs-

Madasamy

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 14.12.2018 made in I.A.No.150 of 2018 in O.S.No.93 of 2010 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi.

For Petitioner : Mr.J.Parekhkumar

For Respondent : Mr.C.Saravanakumar

ORDER

The 5th defendant in O.S.No.93 of 2010, is the revision petitioner herein. The said suit was filed by the respondent herein for the relief of partition and separate possession. The suit was decreed on 12.01.2012. The



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revision petitioner had filed I.A.No.150 of 2018 to condone the delay of 1306 days in filing the petition to set aside the *exparte* preliminary decree. The said application has been dismissed. Challenging the same, the present revision petition has been filed.

2. According to the learned counsel appearing for the respondent/plaintiff, he had filed I.A.No.605 of 2014 for passing of final decree. After the report of the Commissioner was filed, the said final decree application was closed on 15.03.2019. So far, the said final decree application has not been restored. In such circumstances, this Court is of the considered opinion that nothing survives for further adjudication in the Civil Revision Petition.

3. Accordingly, this Civil Revision Petition is closed. Liberty is granted to the revision petitioner to revive the revision petition, in case, if the final decree proceedings are restored. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

18.04.2024

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



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To

1. The District Munsif cum Judicial Magistrate,
Cheranmahadevi.



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R.VIJAYAKUMAR,J.

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