



C.R.P(MD)No.2131 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2131 of 2023

R.Parvathi

... Petitioner /
7th proposed defendant

Vs

1.K.Pushpavalli

M.N.M.M.Palaniappan (died)

2.M.N.M.M.Ganesan

3.N.Ramalakshmi Alias Radha

4.A.R.Muthumani

... Respondent Nos. 1 to 4 / Plaintiff

Meyyappan (died)

5.Ramanathan

6.R.Vasanthamala

7.M.Meenakumari

8.V.Roja

... Respondent Nos.5 to 8 /
Respondent Nos.8 to 10 / 1 to 6 defendants



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Prayer : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the order and decreetal order dated 06.01.2023 made in I.A.No.5 of 2022 in O.S.No.19 of 2010 on the file of the Additional District Judge, Sivagangai.

For Petitioner : Mr.B.Muruganandam

For R8 : Mr.N.Tamilmani

ORDER

This Civil Revision Petition is filed to set aside the order and decreetal order dated 06.01.2023 made in I.A.No.5 of 2022 in O.S.No.19 of 2010 on the file of the Additional District Judge, Sivagangai.

2. The facts in brief is that the suit in O.S.No.19 of 2010 was filed by the plaintiffs namely respondents 1 to 4 herein, seeking the relief of declaration that they are entitled for 4/8th share in the suit property, for permanent decree, for partition and for cost. The defendants appeared and when the suit was pending for trial, I.A.No.5 of 2022 was taken out by this revision petitioner to implead himself as a party defendant, namely as 7th defendant stating that it is a collusive suit between the plaintiffs and the defendants, by virtue of Will dated 27.12.2019, she was bequeathed with the property and neither the plaintiff nor the defendant



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have any right in the property. That petition came to be dismissed by the trial Court by order dated 06.01.2023, recording that there was no representation for the revision petitioner. Against which this Civil Revision Petition is preferred.

3. At the time of hearing, it was brought to the notice of this Court that against the decree and judgment passed in the suit, the revision petitioner himself has filed A.S.No.165 of 2023, which is stated to be pending before this Court.

4. Since the appeal has been preferred by the revision petitioner which is stated to be pending before this Court, the matter has become infructuous. The petitioner can work out remedy in the pending appeal itself.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

21.11.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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G.ILANGO VAN, J.

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To

- 1.The Additional District Judge, Sivagangai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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