



C.M.A(MD)Nos.1035 and 1036 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.06.2024

CORAM

THE HONOURABLE MRS.JUSTICE **G. ILANGO VAN**

C.M.A(MD)Nos.1035 and 1036 of 2023

and

C.M.P(MD)Nos.14149 and 14150 of 2023

P.Rajaram

... Petitioner / Respondent
Respondent / Defendant
(in both CMAs)

Vs

1.P.Muthuraj

2.P.Alagappan

P.Kulanthaiaammal (died)

...Respondents / Petitioners /
Petitioners / Plaintiffs
(in both CMAs)

PRAYER in C.M.A(MD)No.1035 of 2023:-

This Civil Miscellaneous Appeal is filed under Order 43 Rule 1(w) of Civil Procedure Code to set aside the fair and decreetal order dated 28.09.2022 made in I.A.No.14 of 2022 in I.A.No.1 of 2019 in O.S.No.50 of 2013 on the file of Additional District Court (FTC), Theni and dismissed the said application with costs.

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C.M.A(MD)Nos.1035 and 1036 of 2023

PRAYER in C.M.A(MD)No.1036 of 2023:-

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This Civil Miscellaneous Appeal is filed under Order 43 Rule 1(w) of Civil Procedure Code to set aside the fair and decreetal order dated 28.09.2022 made in I.A.No.15 of 2022 in I.A.No.2 of 2019 in O.S.No.50 of 2013 on the file of Additional District Court (FTC), Theni and dismissed the said application with costs.

For Appellant : Mr.A.Arumugam
for M/s.Ajmal Associates
For R1 and R2 : Mr.C.Godwin
(in both CMAs)

JUDGMENT

These Civil Miscellaneous Appeals are filed to set aside the fair and decreetal order dated 28.09.2022 made in I.A.No.15 of 2022 in I.A.No.2 of 2019 in O.S.No.50 of 2013 on the file of Additional District Court (FTC), Theni and dismissed the said application with costs.

2. It has been brought to the notice of this Court that fair order is available after that a review application was filed by the respondent and the same was also allowed. Against the allowing of the review application, these Civil Miscellaneous Appeals are preferred by the appellant.



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3. Learned counsel for the appellant would submit that since the fair order is available, which got merged with the order of review, liberty may be granted to him to challenge the final decree itself.

4. There shall be a direction to the learned Additional District Judge (FTC), Theni, to draft the final decree within a period of one month so that the parties can work out remedy if so aggrieved. Filing of this appeal will not stand in the way of the appellant to challenge the final decree.

5. Accordingly, these Civil Miscellaneous Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.06.2024

NCC : Yes / No

Index: Yes / No

Internet : Yes / No

Note: Issue order copy on **12.06.2024**

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G. ILANGO VAN, J

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To

- 1.The Additional District Court (FTC), Theni.
- 2.The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

C.M.A(MD)Nos.1035 and 1036 of 2023

and

C.M.P(MD)Nos.14149 and 14150 of 2023

11.06.2024