



C.R.P.(MD)Nos.2251 & 2252 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.2251 & 2252 of 2024

and

C.M.P.(MD)No.12745 of 2024

1.Parameshwari

2.Resika

3.Janani

... Petitioner / Petitioner / Respondents 4 to 6

in both C.R.Ps.

Vs.

1.N.Sadasivam

2.S.Abinaya

3.Rajarajeshwari

K.K.Selvam (died)

4.Ajitha Vinothkumari

... Respondents / Respondents / Petitioners
in both C.R.Ps

5.K.Narayanasamy

... Respondents / Respondents / Petitioners
in C.R.P.(MD)No.2251 of 2024

Prayer in C.R.P.(MD)No.2251 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No.3 of 2024 in I.A.No.32 of 2017 in O.S.No.251 of 2010 dated 25.06.2024 on the file



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of the Additional Subordinate Judge, Thanjavur, set aside the same and allow the revision petition.

Prayer in C.R.P.(MD)No.2252 of 2024: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the trial Court namely Additional Subordinate Court, Thanjavur to take IA for re-issue of warrant on file after setting aside the order of return dated 13.08.2024.

For Petitioners : Mr.P.Vadivel

COMMON ORDER

The legal heirs of the deceased first defendant in O.S.No.251 of 2010 on the file of the Additional Sub Court, Thanjavur are the revision petitioners herein.

2. The suit is for partition. Preliminary decree was passed. The second appeal filed by the first defendant has also been disposed of. In the meanwhile, final decree petition was filed and an advocate commissioner was appointed. To set aside the said report, I.A.No.3 of 2024 was filed. The court below vide order dated 25.06.2024 dismissed IA. Challenging the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision.



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4. I am not swayed by the same. The court below has pointed out that the advocate commissioner's report was submitted way back in the year 2017. The present IA was filed only in the year 2024. It is true that the first defendant had passed away and the legal heirs are prosecuting the matter. The court below has also noted that in the affidavit filed in support of I.A.No.3 of 2024, the petitioners have not pointed out any glaring error in the advocate commissioner's report which would warrant it being set aside. The court below has also made a comment that the object of the revision petitioners appears to prevent the person who had obtained preliminary decree from enjoying the fruits of the same. It is also stated that the case is posted for judgment next Monday.

5. Looked at from any angle, I do not find any ground to interfere. The civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

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To:

The Additional Subordinate Judge, Thanjavur.

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