



C.R.P(MD)No.2832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.2832 of 2023

1.Valli
2.Minor Ajithkumar
3.Minor.Arjun
4.Sonaimuthu

... Petitioners

Vs.

1.Murugan
2.Muthu

...Respondents

Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records in fair and decreetal order dated 19.07.2021 passed in I.A.No.3 of 2020 in O.S.No.42 of 2014 by the District Munsif Court, Devakottai and set aside the same.

For Petitioners	: No appearance
For Respondents	: Mr.A.Muralikumar

ORDER

This civil revision petition is filed against the order dated 19.07.2021 made in I.A.No.3 of 2020 in O.S.No.42 of 2014.



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2. By the judgment reported in **2023 SCC Online SC 1662 (The Koushik Mutually Aided Cooperative Housing Society Vs. Ameena Begum & Anr.)**, the Hon'ble Supreme Court of India, considering the fact that the dismissal of the application under Section 5 also results in dismissal of the application under Order 9 Rule 13 of the Code of Civil Procedure, held that an appeal would only be maintainable even as against the petition rejecting the application under Section 5 of the Limitaion Act and the civil revision petition is not maintainable.

3. In view thereof, the Civil Revision Petition is dismissed as not maintainable, however, with liberty to the petitioners to file an appeal before the appropriate Court. The period from 26.10.2023 to till the date of receipt of a copy of the order shall be deducted while calculating the limitation for the purpose of filing of the appeal. The Registry to return the original fair and decretal order so as to enable the counsel to file an appeal.

No costs.

15.07.2024

NCC:Yes/No
Index:Yes/No
Rmk



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To

1.The District Munsif, Devakottai.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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