



C.R.P.(MD)No.2920 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2920 of 2024

T.Maheswari

... Petitioner/Petitioner/
Respondent/Plaintiff

Vs.

1.K.Saradhambal

2.B.Vairamani

... Respondents/Respondents/
Petitioners/Defendants

3.Sadhasivam

4.Ragavi

... Respondents 3 & 4/
Proposed Respondents 3 & 4/
Proposed Respondents 3 & 4/
Proposed Defendants 3 & 4

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned III Additional Subordinate Judge, Madurai to number the unnumbered I.A.(Diary) No.29326 of 2023, in I.A.No.395 of 2020 in O.S.No.191 of 2009, dated 13.10.2003 on his file.

For Petitioner : Mr.A.Saravanan



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ORDER

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This revision petition has been filed to direct the learned III Additional Subordinate Judge, Madurai to number the unnumbered I.A. (Diary) No.29326 of 2023, in I.A.No.395 of 2020 in O.S.No.191 of 2009, dated 13.10.2003 on his file.

2.This revision is filed against the returned order dated 13.10.2023, by the trial Court. The learned counsel for the petitioner would submit that suit in O.S.No.191 of 2009 has been filed for partition by the plaintiff. The same was decreed on 13.04.2010. Preliminary decree for partition in respect of 1/3 share of the plaintiff has been passed. Therefore, on the basis of the above said preliminary decree, I.A.No.395 of 2020 is pending before the trial Court for passing of final decree. At that time, the revision petitioner make out the present petition seeking adjustment of taxes paid by the revision petitioner among the sharers. That came to be returned stating that no such final decree proceedings is pending. Without noting the above said pendency of final decree proceedings return has been made.



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3.In view of the above said fact, the impugned returned order dated 13.10.2023 passed by the trial Court is hereby set aside and there shall be a direction to the trial Court to process the above said interlocutory application, take it up along with the final decree proceedings and dispose of the same simultaneously. For that process, Registry is directed to return the original papers to the petitioner by getting due acknowledgement and by replacing the same with certified copy.

4.With the above said directions, this civil revision petition stands disposed of. No costs.

22.11.2024

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

To

1.The III Additional Sub Judge, Madurai.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J.

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