



CRP.(MD)No.3331 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.03.2024**

CORAM:

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

CRP.(MD) No.3331 of 2023

and

CMP(MD)No.17213 of 2023

1.Mydeen Bheevi @ Mariyam

2.Mohammed Heneef

3.Rihana Banu

.. Petitioners/ Defendants 1to 3

Vs.

1.Mubin Banu

2.Mydeen Bheevi

.. Respondents 1& 2 / Plaintiffs

3.Senthil Kumar

.. 3rd Respondent / 4th Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.11.2023 passed in I.A.No.11 of 2023 in O.S.No.356 of 2022 on the file of the Sub Court, Ambasamudram in respect of the disallowed portion alone.

For Petitioners : Mr.V.Meenakshi Sundaram
for Mr.C.saravanakumar

For Respondents : Mr.A.Balakrishnan
for R1 & R2
: Mr.A.Sankararamasubramaniam



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CRP.(MD)No.3331 of 2023



for R3

ORDER

The suit in O.S.No.356 of 2022 was filed by the respondent herein seeking the relief of declaration and permanent injunction. Pending suit, I.A.No.12/2023 was filed by this revision petitioners to struck off the plaint.

2. According to the learned counsel for the revision petitioners, the application seeking appointment of Advocate Commissioner was numbered as I.A.No.11/2023. Pending the above said application for rejection of plaint filed in I.A.No.12/2023, this application in I.A.No. 11/2023 was taken up for hearing and the impugned order was passed. Challenging the above said order, the present revision petition has been filed by the revision petitioners.

3. When I.A.No.12/2023 is pending, the trial Court ought not to have taken I.A.No.11/2023 for consideration. So, on that part, the above said impugned order dated 01.11.2023 passed in I.A.No.11/2023 on the file of the learned Sub Judge, Ambasamudram, shall be kept in abeyance.

The trial Court is directed to take up the I.A.No.12/2023 and dispose of



CRP.(MD)No.3331 of 2023

the same on merits. Depending upon the outcome of the above said application pending in I.A.No.12/2023, the petition seeking appointment of Advocate Commissioner filed in I.A.No.11/2023 shall be take effect.

4. With the above said direction, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

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

PJL

To
The Sub Judge, Ambasamudram.



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CRP.(MD)No.3331 of 2023

G.ILANGOVAN. J.

PJL

C.R.P.(MD)No.3331 of 2023

08.03.2024