



C.R.P. (MD) No. 391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.R.P. (MD) No. 391 of 2022

1.Rajamma

2.Darwin

3.Mahiba

4.Jesiha

5.Delphin

... Petitioners

-VS-

1.Suresh

Edward (Died)

Raveendran (Died)

2.Thankappan

3.Regupathy

4.Rohini

... Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 30.07.2020 made in I.A.No. 193 of 2008 in O.S. No. 71 of 2001 on the file of the Sub-Judge, Kuzhithurai.



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For Petitioners : Mr. M.P.Senthil

For Respondents : Mr. K.N.Thampi (R1)

ORDER

This Civil Revision Petition challenges the order dated 30.07.2020 made in I.A.No. 193 of 2008 in O.S. No. 71 of 2001 on the file of the Sub-Judge, Kuzhithurai (hereinafter referred to as “Trial Court” in short), by which the suit itself struck off, which amounts to decree in terms of Section 2 (2) of the Civil Procedure Code, 1908. As such, the appeal under Section 96 of the Civil Procedure Code, 1908 would lie before the jurisdictional appellate Court.

2. In that backdrop, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Civil Revision Petition reserving the right of the Petitioners to resort to aforesaid procedure. He has also made an endorsement to that effect in the court record.

3. In view of the same, the Civil Revision Petition is dismissed as withdrawn with the aforesaid clarifications. It is needless to add here that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of presentation of the Civil Revision Petition, viz.,



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31.01.2022, till the date on which the certified copy of this order is made ready

by the Registry, shall be excluded. Consequently, connected Miscellaneous

Petition is closed. No costs.

14.11.2025

Index : Yes/No

NCC : Yes/No

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To

1. The Sub-Judge, Kuzhithurai.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU, J.

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