



C.R.P(MD)Nos.453 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.453 of 2025

and

C.M.P(MD)No.2598 of 2025

P.John Francis Regis

... Petitioner

Vs.

1.P.Cylyli Banu

2.Leema Rose

... Respondents

(The second respondent is set ex parte in original suit, Appeal suit and this I.A.No.1 of 2024 and therefore, given up her in the present Civil Revision Petition)

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records of the fair and decreetal order passed in I.A.No.1 of 2024 in O.S.No.85 of 2014, dated 28.01.2025 on the file of the learned Principal Sub Court, Nagercoil and set aside the same.



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For Petitioner : Mr.K.Vamanan

For R-1 : Mr.V.Meenakshisundaram

ORDER

The judgment debtor in O.S.No.85 of 2014 on the file of the Principal Sub Court, Nagercoil has filed the present revision petition challenging the appointment of Advocate Commissioner in the final decree proceedings arising out of a partition suit.

2. According to the learned Counsel appearing for the revision petitioner, challenging the preliminary decree, they have preferred A.S.No.22 of 2017 before the Additional District Court (Fast Track), Nagercoil. The appeal was dismissed. Challenging the same, they have preferred a second appeal and the second appeal is yet to be numbered. Therefore, the appointment of Advocate Commissioner at this stage would cause prejudice to them.



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3. Per contra, the learned Counsel appearing for the decree holder submitted that the second appeal has not yet been numbered and therefore, interim order cannot be granted in the revision petition. He further submitted that the appointment of Advocate Commissioner need not be stayed.

4. Heard both sides and perused the materials available on record.

5. It is represented by the learned Counsels appearing on either side that the second appeal is likely to be listed for admission in the month of June, 2025. The Trial Court is directed to proceed with the final decree application in accordance with law except passing of final decree. In case, if the revision petitioner is not successful in getting any interim order in the second appeal, the Trial Court shall proceed to pass final decree after 30.06.2025.



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6. With the above said observations, this Civil Revision petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.04.2025

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

To

The Principal Sub Court,
Nagercoil.



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.453 of 2025

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