



C.R..P.(NPD)(MD).No.903 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.903 of 2025

and

C.M.P(MD) No.4834 of 2025

P.Rajaram

... Petitioner/Petitioner/
Petitioner/Defendant

Vs.

1. P.Muthuraj

2. P.Alagappan

P.Kulanthaiammal (Died)

... Respondents/Respondents/
Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order of return in C.A.No.5171 of 2024, dated 28.02.2025 in I.A.No.2 of 2019 in O.S.No.50 of 2013 on the file of the Additional District and Sessions (Fast Track) Court, Theni, and set aside the same as illegal.

For Petitioner : Mr.V.P.Rajan



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ORDER

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The defendant in O.S.No.50 of 2013 on the file of the Additional District and Sessions (Fast Track) Court, Theni, has filed the present Civil Revision Petition challenging the return order passed by the trial Court in Copy Application No.5171 of 2024.

2. A perusal of the copy application reveals that the petitioner has applied for final decree in I.A.No.1 of 2019 in O.S.No.50 of 2013. The petitioner has also applied for copy of Ex and Fair order in I.A.No.2 of 2019. The office has returned the said copy application on the ground that the said final decree copy cannot be issued. Challenging the same, the present Civil Revision Petition has been filed.

3. As far as the final decree in suit for partition is concerned, unless the party, who has paid the Court fee presents the non judicial stamp papers, the final decree will not be drafted. Therefore, the question of issuing a copy of the final decree to the defendant would not arise. However, the defendant would be entitled to receive the fair order copy in I.A.No.1 of 2019.



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4. As far as I.A.No.2 of 2019, it is an application for determination of mesne profits. If any orders have been passed in I.A.No.2 of 2019, the revision petitioner would be entitled to receive the fair order and ex-order.

5. The return order is sustained. If the defendant files proper copy application, the office of the Additional District and Sessions (Fast Track) Court, Theni, is directed to furnish the copies.

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

20.03.2025

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

1. The Additional District and Sessions (Fast Track) Court,
Theni.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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