



C.R.P(NPD)(MD)No.2972 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(NPD)(MD)No.2972 of 2024
and C.M.P(MD)No.16979 of 2024

1.K.Periyampillai

2.K.Samuthiram

... Petitioners

Vs

1.M.Pandiammal

2.G.Kaleeswari

... Respondents

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., against the Ex-order and fair order dated 05.01.2024 made in E.P.No.1 of 2022 in O.S.No.553 of 2010, on the file of III Additional Sub Court, Madurai.

For petitioners : Mr.T.Anand,
for Mr.R.Venkatesan

For Respondents : Mr.A.R.Kannappan



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ORDER

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This Civil Revision Petition is filed against the Ex-order and fair order dated 05.01.2024 made in E.P.No.1 of 2022 in O.S.No.553 of 2010, on the file of III Additional Sub Court, Madurai.

2. At the time of hearing, only a short prayer is sought by the revision petitioner. He would submit that suit in O.S.No.136 of 2013 was filed by one Gandhiammal, Sasikala and Devi against the revision petitioners viz., Periyampillai, Samuthiram and others, seeking the relief of partition and declaration, declaring that the partition deed dated 27.09.2011 is null and void and preliminary decree passed in O.S.No.553 of 2010 is null and void, which is now pending before the I Additional District Court, Madurai. Therefore, a direction may be issued to the I Additional District Judge, Madurai to dispose of the suit within a time frame stipulated by this Court. Till the disposal of that suit, the respondents may be directed not to make any encumbrance.



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3. Whether this plea can be raised when the subject matter of the suit in O.S.No.136 of 2013 is not before this Court? But, however, report was called for from the concerned Court. Report was submitted, stating that the said suit is posted for trial on 27.01.2025. In the suit, the respondents are not parties. Therefore, no such relief can be granted to the revision petitioner in this matter. Except that no prayer is sought. Hence, this revision fails and the same is liable to be dismissed.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28.01.2025

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

vsm

To

1.III Additional Sub Court, Madurai.

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

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G.ILANGO VAN, J.

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