



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P (MD) No.2448 of 2022

and

CMP (MD) No.11943 of 2022

A.M.Xavier : Petitioner/Petitioner/
2nd Defendant

Vs.

1.Lakshmanan Servai (Died)
2.Vasantha : Respondents 1 and 2/
Plaintiffs
3.L.Subramanian : 3rd Respondent/
3rd Respondent/
1st Defendant
4.Gandhimathi : 4th Respondent/LR of the
deceased 1st Defendant

(4th Respondent is brought on record
as LR of the deceased 1st respondent,
vide Court order, dated 14/11/2024
made in CMP(MD)No.16561 of 2023
in CRP(MD)No.2448 of 2022)

PRAYER:-Civil Revision Petition is filed under
Article 227 of the Constitution of India, to call for the
records relating to the impugned fair and decreetal order,
dated 29/08/2022 and made in IA No.99 of 2020 in OS No.66
of 2020 on the file of the Additional District Judge,
Dindigul and set aside the same.

For Petitioner : Mr.S.Srinivasa Raghavan
For 1st Respondent : Died
For R2 and R4 : Mr.N.Balakrishnan
For 3rd Respondent : Mr.S.Ayyanar Premkumar



O R D E R

This civil revision petition has been filed challenging the fair and decreetal order, dated 29/08/2022 made in IA No.99 of 2020 in OS No.66 of 2020 on the file of the Additional District Judge, Dindigul.

2.The learned counsel appearing for the petitioner would submit that the respondents 1 and 2 herein as plaintiffs filed a suit in OS No.66 of 2020 on the file of the Additional District Judge, Pudukkottai, for partition and separate possession, in which the petitioner herein filed IA No.99 of 2020 under Order VII Rule 11(d) of CPC to reject the plaint filed by the plaintiffs. That petition came to be dismissed by the trial court. Challenging the same, this civil revision petition is filed.

3.The learned counsel for the petitioner would further submit that during the pendency of the revision, the petitioner died and that this court may grant liberty to the legal heirs of the petitioner to file impleading petition before the trial court under Order 22 Rule 11 CPC and permit the legal heirs of the petitioner to take all the defences before the trial court.



3. Heard the learned counsels appearing for the respondents 2 to 4.

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4. In view of the above, this civil revision petition is **dismissed** with liberty to the legal heirs of the petitioner to file impleading petition under Order 22 Rule 4 CPC and also permitted the legal heirs of the petitioner to take all defences before the trial court. No costs. Consequently, connected Miscellaneous Petition is closed.

08.08.2025

Internet: Yes/No

Index: Yes/No

NCC: Yes/No

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To

1. The Additional District Judge,
Dindigul.

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



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M. DHANDAPANI, J.

er

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