



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2018

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2322, 2326, 2330, 2333, 2341 & 2342 of 2018
and

C.M.P. (MD) No.10375, 10379, 10383, 10386, 10398 & 10399 of 2018

N.Padmanaban

...Petitioner in All Cases

Vs.

1.S.Chitra

2.V.Sumathi

3.U.Sujatha

4.No.1 Joint Sub Registrar,
District Registrar Office,
Uzhavar Santhai, Shanmugapuram,
Palani Taluk, Dindigul District.

...1 to 4 Respondents in All Cases.

Saravana Bava ...5th Respondent in C.R.P. (PD) (MD) No.2322 of 2018.

S.Noorjehan

M.Sikkandar ...5th and 6th Respondents in
C.R.P. (PD) (MD) No.2326 of 2018.

V.Subbulakshmi ...5th Respondent in
C.R.P. (PD) (MD) No.2330 of 2018.

K.Kumar ...5th Respondent in
C.R.P. (PD) (MD) No.2333 of 2018.

N.Pravitha ...5th Respondent in
C.R.P. (PD) (MD) No.2342 of 2018.

Common Prayer:

Civil Revision Petitions are filed under Article 227 of Constitution of India, praying this Hon'ble Court to set aside the Fair and Decretal order as made in I.A.NOs.704,705,707,708,703 and 706 of 2017 in O.S.Nos.57,58,60,61,44 and 59 of 2015 dated 17.09.2018 on the file of the District Munsif Court, Palani, Dindigul District respectively.

For Petitioner :Mr.M.Aravind Subramaniam

For Respondents :Mr.T.Poovanalingam
for R.1 & R.2



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Mr. Prasad Pandian for R.3
Mr. M. Murugan,
Government Advocate for R.4
Mr. M. P. Senthil for R.5
(In all petitions)

COMMON ORDER

Since the issue involved in all the petitions are similar in nature, they are disposed of by way of this common order.

2. The revision petitioner herein has filed the respective suits for the relief of declaration declaring the sale deeds executed by defendants 2 & 3 dated 11.09.2014 as null and void and for permanent injunction. In the said suits, the defendants 2 & 3 have filed interlocutory applications under Order VII Rule 11 of the Code of Civil Procedure to reject the plaints and the Court below, after considering the rival contentions put forth by the respective parties, has allowed the interlocutory applications and thereby, rejected the plaints. Aggrieved, the revision petitioner has filed the present civil revision petitions under Article 227 of the Constitution of India.

3. When the matter came up for hearing today, learned Counsel for the fifth respondent submitted that the orders impugned in the present civil revision petitions are passed under Order VII Rule 11 of the Code of Civil Procedure, against which, only appeals would lie and not revisions. Therefore, the present civil revision petitions itself are not maintainable. In support of his plea, the learned Counsel placed reliance on the following decisions of this Court:

- Reported in 2018-1-LW-42, in the case of S. Jothi v. N. T. Krishnamoorthy, decided on 24.08.2017;
- Reported in 2008-4-MLJ-405, in the case of S. Manoharan v. T. Mayakkannan and another, decided on 07.03.2008; and
- Reported in 2002-3-LW-698, in the case of K. S. Geetha v. Stanleybuck and another, decided on 12.07.2002.

4. In the aforesaid decisions, this Court, after referring to a catena of decisions, has held that as against an order passed under Order VII Rule 11 of the Code of Civil Procedure, which is a decree in terms of Section 2(2), an appeal alone will lie and not a revision filed either under Article 227 of the Constitution of India or under Section 115 of the Code of Civil Procedure Code.

5. At this juncture, the learned Counsel for the petitioner submitted that it would suffice if the petitioner is permitted to file appeals, challenging the orders impugned in the present civil revision petitions, by excluding the period in which the matter was pending before this Court, on the question of limitation.

6. In such view of the matter, these civil revision petitions are dismissed as not maintainable with liberty to the petitioner to



file appeals. If any such appeals are preferred by the petitioner, the learned appellate Judge, while computing the period of limitation, shall exclude the period during which the Civil Revision Petitions were pending before this Court. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(Crl.Side)

Sub Assistant Registrar(CS-III)

To
The District Munsif,
Palani, Dindigul District.

+6 CCs TO Mr.M.ARAVIND SUBRAMANIAM , ADVOCATE IN SR Nos.99173,
99174,99175,99176,99177,99178.

+5 CCs TO Mr.M.P.SENTHIL , ADVOCATE IN SR No. 99388,
99389,99390,99391,99392.
+1 cc to Special Government Pleader, SR.No.99314.

GK
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C.R.P. (PD) (MD) No.2322, 2326, 2330,
2333, 2341 & 2342 of 2018