



CRP(MD).No.1995 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.09.2023

CORAM

THE HON'BLE MR.JUSTICE **C.KUMARAPPAN**

CRP(MD).No. 1995 of 2019 and
CMP(MD).Nos 813 of 2022 and 10283 of 2019

1.S.Sankarapandian
2.Paramanandam
3.Thiyagarajan

Petitioners / respondents

Vs.

1.Venkatesan
2.Sethugopal
3. Vasantha
4.Pankajam
5.Malarvizhi
6.Vidhyalakshmi
7.Mukundan
8.Revathi
9.S.Ramakrishnan
10.Anandhi
11.Navaneethakrishnan
12.Krishnamoorthi
13.Ramesh
14.Sabarirajan

Respondents /petitioners

PRAYER : Civil Revision Petition filed under Article 227 of the
Constitution of India to set aside the decision made by the Court of the



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Subordinate Judge, Theni on 08.08.2019 in proceeding in I.A.No.1 of 2019 in O.S.No.51 of 1994 on the file of the Court of the Subordinate Judge, Periyakulam.

For Petitioner : Mr.S. Madhavan

For respondents 1 to 8 : Mr. S.Sivathilakar

For respondents 12 to 14 : Mr. N.Siddharthan

ORDER

The instant Civil Revision Petition has been filed against the order, dated 08.08.2019 made in I.A.No.1 of 2019 in O.S.No.51 of 1994 on the file of the Court of the Subordinate Judge, Periyakulam.

2. The learned counsel appearing for the revision petitioners / defendants would submit that the respondents / plaintiffs have filed the said application in I.A.No.1 of 2019, against the final decree proceeding passed in O.S.No.51 of 1994 on the file of the Subordinate Court, Periyakulam and the same was allowed. Challenging the same the defendants / revision petitioners have filed the present Civil Revision Petition.



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3. Before this Court would embark into the submissions made by the learned counsel for the defendants, it has to be decided whether the Civil Revision Petition is maintainable against the final decree application. It is pertinent to mention here that when an appeal remedy is provided, the Revision is not maintainable.

4. In Similar Circumstances, the learned Single Judge of this Court has held that against the final decree proceedings, appeal alone would be maintainable, in the judgment reported in **2016-SCC-Online Mad-15782 (Prema V. Dr.Subramaniam)**. Even in an unreported judgment of this Court in **C.R.P.(MD)No.1427 of 2022 (K.Arunagirinathan V. R.Dakshinamurthi)**, dated 29.04.2022, the learned Single Judge has confirmed the above legal position.

5. Therefore, this Court is of the firm view that the very Revision is not maintainable. Hence, the instant Civil Revision Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.



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6. However, the revision petitioners are given liberty to move an appeal before the appropriate Court within a period of four weeks from the date of receipt of copy of this order. In that event, the First Appellate Court, while calculating the period of limitation for filing Appeal, the period during which the Civil Revision Petition is pending may be excluded as per Section 14 of the Limitation Act.

13.09.2023

Index : Yes / No

Internet : Yes / No

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Note: The Office is required to return the original decree in challenge in this proceedings to the petitioner.

To



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The Subordinate Judge, Periyakulam.

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C.KUMARAPPAN, J.,



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