



C.R.P(MD)No.987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.987 of 2024

and

C.M.P(MD)No.5374 of 2024

P.Pappammal ... Revision Petitioner / 3rd Party

Vs

1.P.Manokaran ... 1st respondent / Defendant

2.K.A.Ramasamy ... 2nd respondent / Plaintiff

3.Kanniyakumari ... 3rd respondent / 3rd Party

Prayer : This Civil Revision Petition is filed under Section 115 of C.P.C., to call for the records pertaining to the fair and decreetal order made in E.A.No.3 of 2021 in E.P.No.46 of 2018 in O.S.No.3 of 2017 on the file of the learned Sub Court, Periyakulam, Theni District, dated 24.08.2022 and set aside the same by allowing the Civil Revision Petition.

For Petitioner : Mr.R.Shankar Ganesh

For R1 : No appearance

For R2 : Mr.P.Mahendran

For R3 : Mr.J.Bharathan



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ORDER

This Civil Revision Petition is filed to call for the records pertaining to the fair and decreetal order made in E.A.No.3 of 2021 in E.P.No.46 of 2018 in O.S.No.3 of 2017 on the file of the learned Sub Court, Periyakulam, Theni District, dated 24.08.2022 and set aside the same by allowing the Civil Revision Petition.

2. Without going to the merits of the matter, this Civil Revision Petition can be disposed of on the point of jurisdiction.

3. Learned counsel for the respondent would submit that E.A.No.3 of 2021 was filed by the revision petitioner under Order 21 Rule 58 of C.P.C. Against that order, only Civil Miscellaneous Appeal will lie and not revision. He is referring to the Full Bench judgment of the High Court of Andhra Pradesh at Hyderabad, reported in **2004 (5) CTC 283**, in the case of ***Gurram Seetharam Reddy Vs Gunti Yashoda and another***, followed by the judgment of this Court in ***C.R.P(NPD)No.523 of 2005*** in the case of ***Tamilselvi Vs Saravanan and others***, wherein it has been



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well settled that against the petition under Order 21 Rule 58, only an appeal will lie and not a revision.

4. On that account, this Civil Revision Petition is disposed of without going into the merits of the matter, granting liberty to the revision petitioner to file an appeal. In the event of filing an appeal, the time spent in this proceedings, should be deducted under Section 14 of the Limitation Act, since this revision petition is initiated by the revision petitioner in a bonafide manner.

5. With the above liberty, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

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

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G.ILANGO VAN, J.

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To

- 1.The Subordinate Judge, Periyakulam, Theni District.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

**C.R.P(MD)No.987 of 2024
and
C.M.P(MD)No.5374 of 2024**

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