



C.R.P(MD)No.582 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.582 of 2018

and

C.M.P(MD)No.2585 of 2018

1.Ponnusamy @ Thangaraj

2.Sankarapandian

3.Ramasubramanian

... Petitioners /Respondents 2,3&5/
Defendants 2,3 & 5

Vs.

Rukkumani Ammal (Died)

1.R.Sundaram

2.K.Padma

3.Laksmi Narasumani

4.Muthu Kaveri

5.S.Shanthi

6.Vijayakumar

... Respondents/Petitioners2-7/
Plaintiffs

Uthasingapandian (Died)



C.R.P(MD)/No.582 of 2018

7.Ukkirapandian

... Respondent/4th Respondent/
4th Defendant

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside fair and decreetal order passed in I.A.No.412 of 2015 in O.S.No.17 of 1988 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, dated 20.12.2017.

For Petitioners : Mr.A.Sankara Ramasubramanian

For R1,R2,R4-R6 : Mr.N.Ganaga Sapapathy

For R7 : No Appearance

ORDER

The defendants 2,3 and 5 in O.S.No.17 of 1988 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi are the revision petitioners.

2. The respondents 1 to 6 herein as plaintiffs have filed the above said suit for redemption of usufructuary mortgage. A preliminary decree came to be passed on 31.08.1990. Based upon the said preliminary decree, the decree holder / mortgagee had filed I.A.No.412 of 2015 for passing of final decree. A final decree came to be passed on 20.12.2017. Challenging the said final decree passed in a redemption of mortgage suit, the present revision petition has been filed.



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3. The narration of the above said facts clearly indicate that the revision petition has been filed challenging the final decree passed in a redemption of mortgage suit. As against the final decree, only a regular appeal would lie under Section 96 of Code of Civil Procedure and not a revision petition under Section 227 of Constitution of India.

4. In view of the above said facts, the Civil Revision Petition stands dismissed with liberty to the revision petitioner to approach the competent appellate Court. In case if an appeal is filed, the period spent before this Court between 08.03.2018 and 25.04.2024 shall stand excluded for calculating the period of limitation.

5. With the said observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

25.04.2024

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

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- To
- 1.The District Munsif cum
Judicial Magistrate Court,
Cheranmahadevi.
 - 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.582 of 2018

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