



C.M.P(MD)No. 13442 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Friday, the Eighteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P(MD)No. 13442 of 2024

in

C.R.P(MD)Nos. 2366 & 2367 of 2024

VINCENT GEORGE

... PETITIONER/10TH DEFENDANT  
IN BOTH CRP's

Vs

VALLIYAMMAL @ THANKAM (DIED)

... DECEASED 1ST PLAINTIFF

ULAGAMMAL (DIED)

... DECEASED 2ND PLAINTIFF

(CAUSE TITLE IS ACCEPTED VIDE COURT ORDER  
DATED 23.09.2024 MADE IN CMP(MD)NO.13170 OF  
2024 IN CRP(MD)SR.NO.65460 OF 2024 BY SSYJ)

1 SARASWATHI

... 1ST RESPONDENT/3RD PLAINTIFF

RAJAMMAL (DIED)

... DECEASED 4TH PLAINTIFF

BHAGAVATHI PERUMAL (DIED)

... DECEASED 5TH PLAINTIFF

2 SUNDER RAJ

3 NARAYANA KRISHNAN

4 DURAIRAJ

... RESPONDENTS 2 TO 4/PLAINTIFFS 6 TO 8



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5 R.SIVANANDI  
6 R.SUBRAMANIYAN  
7 R.KRISHNAVENI

... RESPONDENTS 5 TO 7  
/LR's OF THE DECEASED 2ND PLAINTIFF

8 B.SUBASH  
9 B.MANIKANDAN  
10 B.SATHEESH

... RESPONDENTS 8 TO 10  
/LR's OF DECEASED 5TH PLAINTIFF

PARADESI @ ABDHUL AZEEZ

... DECEASED 1ST DEFENDANT

11 IYAPPAN @ KUMAR  
12 SATHEESH @ NAGARAJAN  
13 AMBIKA  
14 BHAGAVATHEESWARAN  
15 SARASWATHY @ MOHAMMED FATHIMA BEEVI  
16 BRIGHT DARWIN  
17 SAROJA

... RESPONDENTS 11 TO 17/DEFENDANTS 2 TO 8

GOPALAN ASSARI (DIED)

... DECEASED 9TH DEFENDANT

18 RAMANI  
19 KASTHURI  
20 VASANTHA  
21 JAIYANTHA KUMAR  
22 MANI  
23 KRISHNA KUMAR

... RESPONDENTS 18 TO 22  
/LR's OF DECEASED 1ST DEFENDANT

24 M.BHAGAVATHI AMMAL  
25 B.SUNITHA  
26 G.PRATHEEP

... RESPONDENTS 22 TO 26  
/LR's OF DECEASED 9TH DEFENDANT  
IN BOTH CRP's

(NOTICE TO RESPONDENTS 5 TO 26 MAY BE DISPENSED WITH)

Prayer in CMP(MD). 13442/ 2024 in CRP(MD).2366/2024 :

To Stay all further proceedings in O.S.No.03 of 2004, on the file of the Additional

<https://www.mhc.tn.gov.in/judis>



C.M.P(MD)No. 13442 of 2024

District Munsif Court, Eraniel, pending disposal of the above Civil Revision Petition.

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Prayer in CRP(MD).2366/2024 :

To set aside the Judgment and Decree passed in O.S.No.03 of 2004, on the file of the Additional District Munsif Court, Eraniel dated 31.10.2014, by allowing this Civil Revision Petition.

Prayer in CRP(MD). 2367/ 2024 :

To set aside the Judgment and Decree passed in I.A.No.177 of 2015 O.S.No.03 of 2004, on the file of the Additional District Munsif Court, Eraniel dated 19.09.2022, by allowing this Civil Revision Petition.

**COMMON ORDER :** These Civil Miscellaneous Petition & Civil Revision Petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.JESSI JEEVA PRIYA, Advocate for the petitioner in both CRP's and of Mr.S.SURESH KUMAR, Advocate for the Respondents No.3 & 4 in both CRP's, the court made the following order:-

This Court had granted interim stay dated 30.09.2024 based on the submission of the Learned Counsel appearing for the revision petitioner, wherein it was submitted that the delivery of property was ordered, but the respondents have not taken any possession.

2. Today, when the matter is taken up for hearing, the Learned Counsel appearing for the respondents 3 & 4 submitted that possession was taken and the possession was already handed over to them through Amina. And relied on the report of the Amina and the report states that "the possession was handed over on 23.08.2024 and warrant was also returned, since delivery was already effected, the Execution proceedings may be terminated".



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3. But the revision petitioner submitted that it is only a symbolic possession, since still they are holding the physical possession with them. The Learned Counsel further submitted that the respondents have played fraud on the Court. Infact the present Civil Revision Petition was filed under Article 227 of the Constitution of India and this Court is having ample power to interfere if fraud is committed.

4. Considering the facts of this case and the arguments of the counsels on the either side, the interim stay granted on 30.09.2024 is made absolute. The respondents are restrained from interfering with the physical possession of the revision petitioners until disposal of the Civil Revision Petition.

5. Post the matter on 25.10.2024.

sd/-  
18/10/2024

/ TRUE COPY /

/10/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

KSA  
TO  
THE ADDITIONAL DISTRICT MUNSIF,  
ERANIEL.



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**C.M.P(MD)No. 13442 of 2024**

ORDER  
IN  
C.M.P(MD)No. 13442 of 2024  
in  
C.R.P(MD)Nos. 2366 & 2367 of 2024  
Date :18/10/2024

SA/MMS/SAR. /22.10.2024/5P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.