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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Sixth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY
REV APLC (MD).NO.151 OF 2024
IN
CRP(MD). No.1897 of 2023

Ramadaoss (Died)

1.R.Vijalakshmi,

2.R.Sundar,

3.R.Arun

Petitioners are rep by their Power Agent

T.Nellaikumar,

Manager

Das Fireworks Industries

No.9-E NPSN Arumugam Road,

Sivakasi Town,

Virudhunaar District

Vs

... Petitioners/Petitioners

T.P.Kathiresan (Died)

1. T.Bhuvaneswari

2 Sivakameshwari

3 Saratha Devi

4 Saravanan

5 Lalithambigai

6 Senthilkani

7 Abirami

8 Sankareswaran

9 Ramachandra Ganesh

... Respondents/Respondents



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Review Application filed under Section R/w order 47 Rule 1 & 2 of Civil Procedure Code to prefer this Memorandum of review application in the order dated 15.10.2024 passed in CRP(MD) No.1897 of 2023.

Prayer :-

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to allow the CRP with costs by setting aside the fair order and decretal order in E.P.No.26 of 2010 in O.S.No.10 of 2007 on the file of the District Munsif Court, Sivakasi dated 24-07-2023.

ORDER:- This review Petition coming on for orders on this day and upon perusing the earlier order of this Court dated 20.11.2024 and 22.11.2024 and upon hearing the arguments of M/s.N.Krishnaveni, Senior Counsel for Mr.A.Sivaji, Advocate for the Petitioners this Court made the following order:

This case is listed under the caption "For Reporting Compliance".

2. By order of this Court, dated 20.11.2024 in Rev.Aplc.(MD) No.151 of 2024, this Court directed the petitioners to remove the superstructure and hand over the possession to the respondents herein. After removing the superstructure, the petitioners submitted that the same is handed over to the respondents and hence,



the order passed by this Court is complied with. To this effect, a Memo, dated 06.12.2024 is filed and photographs are also produced, wherein it is seen that the superstructures are removed. The respondents are permitted to take possession of the suit property forthwith.

3. By order, dated 15.10.2024 passed in C.R.P(MD)No.1897 of 2023, this Court directed the review applicants to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondents. But this Court directed to comply with the order and thereafter, make a prayer. Today, i.e., on 06.12.2024, after complying with the order, the revision petitioners prayed to consider the said prayer. Therefore, this Court is reducing the cost from Rs.10,000/- (Rupees Ten Thousand only) to Rs.3,000/- (Rupees Three Thousand only) and the same shall be paid to the respondents. Thereafter, the revision petitioners shall submit a compliance memo before the E.P., Court.

4. The Learned Senior Counsel appearing for the review applicants further submitted that the cost of Rs.1,00,000/- (Rupees One Lakh only) imposed in the review application may also be waived. Since the review applicants had complied with the order of this Court, this Court is waiving the said cost imposed in review application. Hence, the paragraph Nos.11 and 12 of the order, dated 20.11.2024, passed in Rev.AplC(MD)No.151 of 2024 is substituted with the following

paragraphs:



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“11. Therefore, this Court is of the considered opinion that the review application is devoid of merits and liable to be dismissed.

Accordingly, the review application is dismissed. Consequently, the review applicants are directed to hand over the possession to the respondents forthwith.

12. With the above said directions, the present review application is dismissed. Consequently, connected miscellaneous petitions are closed.”

5. The Learned Senior Counsel appearing for the review applicants further submitted that in the order passed in the civil revision petition, it is held, “As per the suit, the legal heirs are entitled to 8/10th share and the tenant is having only 2/10th share”, but the said observation and finding would affect their partition suit and hence, prayed to consider the same.

6. In the order passed in the civil revision petition, dated 15.10.2024, in paragraph No.17, this Court has held, “As per the suit the legal heirs are entitled to 8/10th share and tenant is having only 2/10th share”. In paragraph No.18, this Court has held, “When the legal heirs including the daughters are having 8/10th share and when the revision petitioners are having only 2/10th share, then praying to put them in possession for the entire property is atrocious”. Hence, the said observations are

modified as under:



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i) In paragraph No.17, instead of “As per the suit the legal heirs are entitled to 8/10th share and tenant is having only 2/10th share” the following line may be substituted:

“As per the suit the legal heirs are having to 8/10th share and tenant can have only 2/10th share”

ii) In paragraph No.18, instead of “When the legal heirs including the daughters are claiming 8/10th share and when the revision petitioners can have only 2/10th share, then praying to put them in possession for the entire property is atrocious”, the following line may be substituted:

“When the legal heirs including the daughters are having 8/10th share and when the revision petitioners can have only 2/10th share, then praying to put them in possession for the entire property is atrocious”

7. The Registry is directed to carry out necessary corrections in the orders passed in the Civil Revision Petition as well as in the Review Application and issue fresh order copies to the parties.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)



To

The District Munsif,
Sivakasi

+1 CC to M/s.SPL.GP (SR-43788[F] dated 14/08/2024)

ORDER DATED : 06/12/2024

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ORDER

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CRP(MD). No.1897 of 2023

IN

CRP(MD). No.1897 of 2023

Giving direction and etc.
as stated within.

MGJ(13.12.2024) 6P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023