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CRP.No.205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.205 of 2025

1.S.Ruppak
2.S.Harini

... Petitioners

Versus

K.Govindasamy (Died)
1.G.Maharani
2.G.Lekha
3.G.Ramesh

K.Karuppasamy (Died)
4.K.Shanmugasundaram
5.K.Sivajeyam
6.Maheshwari

... Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India, to number the un-numbered E.A.No(CFR.No.7894) of 2024 in E.P.No.72 of 2010 in O.S.No.106 of 2007 on the file of the Subordinate Judge, Pollachi and dispose of the same.

For Petitioner : Mr.C.Ramaraj

ORDER

Challenging has been made to the docket order returning the application filed by the revision petitioner, this revision has been filed.



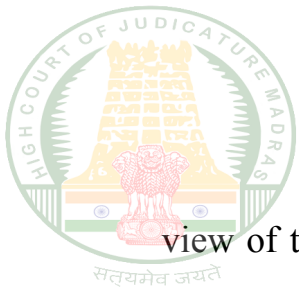
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2. It is the contention of the petitioner that the subject matter was the ancestral property of one Karuppasamy. The petitioners are the grand children of the said Mr.Karuppasamy. Further, the suit has been filed by one Govindasamy for specific performance in O.S.No.106 of 2007 on the file of the learned Sub Judge, Pollachi and the suit has been decreed on 03.09.2009. Therefore, the petitioners being the grand children seeks to agitate the matter in the execution proceedings, however, the application has not been numbered vide the impugned order. The petitioners have filed a suit in O.S.No.546 of 2024. Similarly, one A.V.Mohan has filed a suit for specific performance in O.S.No.259 of 2010.

3. The learned counsel for the petitioner fairly submitted that the sale deed is already executed, the matter is posted for delivery of possession.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. Admittedly, the petitioner had filed a suit in O.S.No.564 of 2024 on the file of the District Judge, Coimbatore for claiming shares in the property. Such



CRP.No.205 of 2025

view of the matter, as the partition suit is already pending, rights of the parties is always subject the result of the partition suit. If the petitioners' shares are declared in O.S.No.546 of 2024, they can very well take possession of the property. That apart as against the dismissal of the impleading application in O.S.No.259 of 2010, application is returned by the Trial Court. Accordingly, the petitioners shall work out their remedy in the pending suit.

6. In view of the above, this revision stands dismissed. No costs.

28.01.2025

Internet : Yes/No
Index : Yes/No
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To

The Sub Judge
Subordinate Court, Pollachi



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CRP.No.205 of 2025

N. SATHISH KUMAR, J.

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CRP.No.205 of 2025

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