



C.R.P.No.4177 of 2025
and C.M.P.No.21474 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4177 of 2025
and C.M.P.No.21474 of 2025

Ponnusamy

... Petitioner

Vs.

1.Malathi

2.Rathinam

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.01.2025 passed in I.A.No.442 of 2024 in O.S.No.228 of 2014 on the file of the District Munsif Court, Udumalpet.

For Petitioner : Mr.A.Sivaji



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ORDER

This Civil Revision Petition has been filed challenging the order dated 22.01.2025 passed in I.A.No. 442 of 2024 in O.S.No.228 of 2014 on the file of the District Munsif Court, Udumalpet. Originally, the plaintiff / Malathi filed a suit seeking the relief of partition and to declare the mortgage deed and the settlement deed as null and void.

2. Originally, the plaintiff filed an application under Order XXVI Rule 10A of Civil Procedure Code seeking scientific report on the DNA of the plaintiff / Malathi as well as Ponnusamy / first defendant, the alleged father. The learned District Munsif, Udumalpet, took the applications filed in I.A.No.179 of 2020 and I.A.No.6 of 2023 and dismissed the same on 28.02.2023. Aggrieved over the same, the plaintiff / Malathi has preferred two Civil Revision Petitions before this Court in C.R.P.Nos.456 and 2806 of 2023. This Court vide order dated 26.06.2024 disposed of the aforesaid revision petitions in the following terms :

"16. Taking into account the overall circumstances of the case, in order to give a fair opportunity to the plaintiff, I am



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WEB COPY *inclined to allow the revisions. I am not willing to give this relief to her for the asking. For each of the application filed to reopen evidence on her side and for the DNA examination by the Forensic Sciences Department, Chennai, the plaintiff shall pay a sum of Rs.10,000/- to the contesting first defendant. The costs shall be paid on or before 05.07.2024. In case the cumulative costs of Rs.20,000/- are not paid before that date, the benefit of this order shall not enure to the petitioner. In case the costs are not paid, the Civil Revision Petitions shall stand dismissed without further reference to this Court.*

17. With the above directions, the order of the learned District Munsif in I.A.No.179 of 2020 and I.A.No.6 of 2023 dated 13.10.2022 and 28.02.2023 are set aside. The Civil Revision Petitions stand allowed in the above terms. Consequently, connected miscellaneous petitions are closed."

In order to comply with the directions issued in the aforesaid Civil Revision Petitions, the plaintiff / Malathi tendered a sum of Rs.10,000/- to the contesting first defendant and the same came to be refused by the contesting first defendant. Aggrieved over the same, the plaintiff / Malathi has filed an application under Section 151 CPC in I.A.No.442 of 2024 seeking permission to deposit a sum of Rs.20,000/- as directed by



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WEB COPY this Court in C.R.P.Nos.456 and 2806 of 2023.

3. The Court below on considering the either side arguments allowed the petition holding that simply contesting, first defendant has refused to receive the amount as directed by this Court. The plaintiff / Malathi was permitted to deposit a sum of Rs.20,000/- before the Court below. Aggrieved over the same, the contesting first defendant / Ponnusamy has preferred the present Civil Revision Petition.

4. This Court is of the considered view that the Court below, in order to comply the directions issued by this Court in C.R.P.Nos.456 and 2806 of 2023, has permitted the plaintiff / Malathi to deposit a sum of Rs.20,000/- to the credit of suit pending in O.S.No.228 of 2014. There is no reason warrants interference with the order impugned of the Court below.

5. In the result, this Civil Revision Petition is dismissed. No



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WEB COPY costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

M.JOTHIRAMAN, J.



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