



CRP No. 3460 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 3460 of 2025

1. D.Gajapathy

S/o Late Duraisamy, No.12, 2nd Street,
Sarathy Nagar, Lakshmipuram,
Kolathur, Chennai 600 099

Petitioner(s)

Vs

1. J.Loganathan

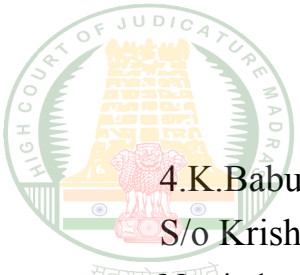
S/o Jayaraman, No.40/71, Panchali
Amman Koil Street, Arumbakkam,
Chennai 600 106

2.L.Shyamkumar

S/o Jayaraman, No.40/71, Panchali
Amman Koil Street, Arumbakkam,
Chennai 600 106

3.S.Shanthi

W/o Sekar, Plot No.154/155, 3rd
Avenue, Vijaya Nagar, Pollivakam,
Manavalan Nagar, Thiruvallur 602 002



4.K.Babu

S/o Krishnamoorthy, plot no.9, Door
No.4, 1st Floor, Ayyanar IVR Backside,
Oil Mill, Thiruvallur 602 001

5.R.Manimegalai

W/o Ramesh, plot no.9, Door No.4, 1st
Floor, Ayyanar IVR Backside, Oil Mill,
Thiruvallur 602 001

6.L.Bhanumathi

W/o K.Nagaraj, 1-A, 1st Floor, Manthra
Flats, Priyam Avenue Extension, Sakthi
Nagar Annex, Mangadu 600 122

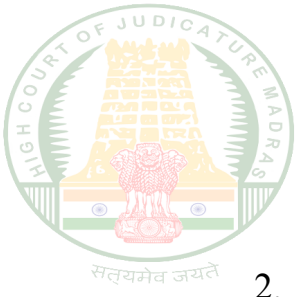
Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Docket order passed in IA.SR.No. 752 of 2024 in OS.No. 883 of 2021 dated 09.04.2025

For Petitioner(s): R.Arunkumar

ORDER

Challenge has been made to the dismissal of the application filed by the revision petitioner to set aside the preliminary decree passed in O.S.No.883 of 2021 in the present Civil Revision Petition.



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2. The suit in O.S.No.883 of 2021 has been filed for partition and separate possession. The property originally owned by one Duraisamy, who is father-in-law of the first plaintiff and grand father of the second plaintiff. In the said suit, the first defendant remained exparte and the other defendants contested the suit and also claimed counter claim in respect of their shares. In the suit a preliminary decree has been passed for 3/10th share in favour of the plaintiffs and the defendants and share has also been declared to the first defendant. At this stage, an application has been filed by the revision petitioner/ first defendant to set aside the preliminary decree passed in the suit. As the suit has been decreed after contest by the other defendants, the trial Court has returned the petition. Challenging the same, the present Civil Revision Petition has been filed.

3. As far as the shares of the parties are concerned, it is not in dispute. Even the revision petitioner / first defendant's share has been declared in the preliminary decree. It is the contention of the revision petitioner the he had



constructed the building in the suit property. In that case, he can very well seek allotment of the share after canvassing his case in the final decree proceedings.

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Hence, I do not find any merits in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.

05-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Subordinate Judge,
Alandur.



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N.SATHISH KUMAR J.

vrc

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