



CRP.No.3878 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.3878 of 2025

and

CMP.No.20516 of 2025

The Senior Regional Manager,
The Tamil Nadu Industrial Investment Corporation Limited,
Sponsored by Government of Tamil Nadu,
692, Anna Salai, Nandanam, Chennai – 600 035.

...Petitioner

Vs.

1. A.Valliyammal
also known as Valli Annamalai
2. Mangayerkarasi
3. Rajalakshmi
4. S.Rajalakshmi
5. S.Vetrivel

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decreetal order passed in I.A.No.6 of 2025 in O.S.No.40 of 2021 dated 18.07.2025 on the file of II Additional District Judge, Tindivanam and allow the above Civil Revision Petition filed by the petitioner.



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For Petitioner : Mr.K.Magesh

For Respondents : Mr.D.Ashok Kumar, for R1 & R2
: Notice not ready, for R3

ORDER

The present revision petition has been filed, challenging the order passed in I.A.No.6 of 2025 in O.S.No.40 of 2021 dated 18.07.2025 on the file of II Additional District Judge, Tindivanam.

2. Heard Mr.K.Magesh, learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

3. Though the 3rd respondent remained unserved as on date, in view of the relief sought for by the petitioner/4th defendant and the present revision challenging I.A.No.6 of 2025 seeking stay of O.S.No.40 of 2021, I am inclined to dispose of the revision petition with a direction to the trial Court to proceed with the trial in O.S.No.40 of 2021. It is made clear that the rights of the 4th defendant/Tamil Nadu Industrial Investment Corporation Limited shall not in any manner be affected by the pendency of the suit for partition.



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4. It is also brought to my notice that the suit for redemption was filed by the original borrower and now the said suit was decreed, determining the amount payable by the borrower. However, the said amount has not been paid and there is also a pending appeal before this Court in A.S.No.421 of 2013. The pendency of the appeal shall not come in the way of trial Court, taking up the trial in O.S.No.40 of 2021, where the revision petitioner is also a party admittedly. It is made clear that the suit for declaring the rights of the respective parties for partition is subject to the rights of the revision petitioner for claiming the amounts due and payable under the mortgage.

5. With the aforesaid observations and directions, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

28.08.2025

jd

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No



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P.B. BALAJI, J.
jd

To
The II Additional District Judge,
Tindivanam.

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