



CRP.No.397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.397 of 2023
and
CMP.No.3356 of 2023

1. Ponmani
2. Devi ...Petitioners

Vs.

1. P.Ponnammal
2. Rajammal ...Respondents

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the Docket Order dated 22.11.2022 made in I.A.No.6 of 2022 in O.S.No.848 of 2012 on the file of the Subordinate Judge, Mettupalayam.

For Petitioners : Mr.S.Arjun

For Respondents : Mr.K.Govi Ganesan, for R1
: No Appearance, for R2

ORDER



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The present civil revision petition has been filed seeking quashment of the docket order dated 22.11.2022 made in I.A.No.6 of 2022 in O.S.No.848 of 2012 on the file of the Subordinate Judge, Mettupalayam.

2. I have heard the learned counsel on either side and I have also gone through the materials placed on record.

3. Learned counsel for the petitioners would submit that the revision petitioners are the legal heirs of the defendant in the suit for partition in O.S.No.848 of 2012, which came to be decreed on 25.11.2016, granting preliminary decree in favour of the plaintiff therein/ the 1st respondent herein. As against the said decree, the revision petitioners have filed first appeal in A.S.CFR.No.26855 of 2022 along with an application seeking to condone the delay in filing the said appeal, since the appeal has not been filed in time. Further, the said application is posted on 25.11.2025 and thereby, he would pray for suitable directions to be given by this Court to direct the said application to be disposed of on merits and in accordance with law and till such time, final decree may



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need not be passed.

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4. Per contra, the learned counsel appearing for the 1st respondent would submit that the petitioners have approached the Court with an inordinate delay and the appeal is yet to be taken on file and the same is pending in the condone delay stage. Further, the Commissioner has already visited the property and filed a report and at which stage, the present revision came to be filed by the petitioners, in order to drag on the proceedings, which cannot be permitted.

5. It is seen that an order of interim stay was granted by this Court on 07.03.2023 and I find that the interim order has been extended from time to time, for the past two years.

6. In view of the above, this Court, **without interfering with the order impugned**, directs the Principal District Court, Coimbatore to dispose of the application filed under Section 5 of Limitation Act in I.A.No.2 of 2022 in un-numbered appeal in A.S.CFR.No.26855 of 2022, on merits and in accordance with law on or before 20.12.2025 and till



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then, final decree shall not be passed. However, subject to the orders passed in I.A.No.2 of 2022, further proceedings may go on.

7. With the above observations and directions, this Civil revision petition stands **allowed**. No costs. Consequently, the connected Miscellaneous petition, if any, is closed.

16.10.2025

skt

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

To

1. The Subordinate Judge,
Mettupalayam.

2. Principal District Court,
Coimbatore.

P.B. BALAJI, J.

skt



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