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CRP No. 4800 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 4800 of 2025 and CMP No.24238 of 2025

1. G. Prakasam (Died) 1. P. Poongodi
W/o. G. Prakasam, Res. at No.31,
Veeranam Main Road, Ponnampet,
Salem - 636001. and 3 Others

2. P.S. Lavanya
D/o. G. Prakasam, Res. at No.31,
Veeranam Main Road, Ponnampet,
Salem - 636001.

3. P. Saranya
D/o. G. Prakasam, Res. at No.31,
Veeranam Main Road, Ponnampet,
Salem - 636001.

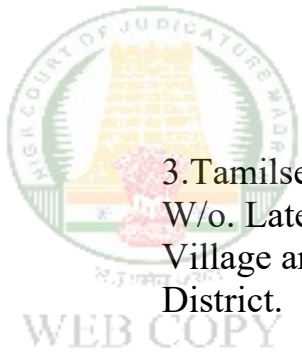
4. P. Suganya
D/o. G. Prakasam, Res. at No.31,
Veeranam Main Road, Ponnampet,
Salem - 636001.

Petitioner(s)

Vs

1. Anbu
S/o. Late Gandhi Gounder,
Kottamettupatty Village and Post,
Omalur Taluk, Salem District.

2.Rani
W/o. Mallappan, Veemanur, Thasanoor
via, Veeranam, Valasiyur Road, Salem
District



3.Tamilselvi
W/o. Late Raja, Kottamettupatty
Village and Post, Omalur Taluk, Salem
District.

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the order dated 21.08.2025 passed by the I Additional District Court, Salem in I.A.No.06 of 2023 in O.S.No.32 of 2013.

For Petitioner(s): M.Venkatakrishnan

For Respondent(s): M/s.C.Prabakaran
For R1
K.R.Samratt
For R.2
R.3 – No appearance

ORDER

Heard Mr.M.Venkatakrishnan, learned counsel for the revision petitioners and Mr.C.Prabakaran, learned counsel for the first respondent and Mr.K.R.Sarmatt, learned counsel for the second respondent.

2. The present revision has been filed challenging the order passed in I.A.No.6 of 2023, filed by the respondents herein, who are co-defendants, seeking to set aside the preliminary decree passed along with an application to condone the delay. The same has been allowed by the trial court and challenging the said order, the present revision has been filed by the plaintiffs.



3. Learned counsel for the petitioners/plaintiffs would take me through the order passed by this Court in CRP No.2204 of 2023 dated 02.01.2025, wherein, this Court crystalised the shares of the parties at Paragraph No.4 and directed the parties to work out their rights in the final decree application.

4. The trial Court has proceeded to set aside the purchases made by the first revision petitioner under Sale Deed dated 18.11.2016. The co-sharers who have sold their respective shares to the first respondent are not disputing the said sale in favour of the first respondent. However, the trial court while passing the decree in O.S.No.32 of 2013, has set aside the sale deed in favour of the first respondent.

5. Today, admittedly, the first respondent owns 4/5th shares, being the remaining shares in the said property, the other 1/5th share belongs to the plaintiffs.

6. Learned counsel for the first respondent state that though the application was filed by him along with two others viz., Rani and Tamil Selvi, he also purchased their shares.



7. Learned counsel for the second respondent herein has also affirmed the same.

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8. In view of the above, I do not see any purpose in setting aside the preliminary decree at this juncture. It would suffice to confirm the sales effected in favour of the first respondent which has been set aside by the trial court and attempt has been made by the first respondent to set aside the same which was also allowed by the trial Court. The said order alone is challenged in this revision.

9. Considering that the parties have already admitted their respective shares even in the earlier round of litigation in CRP No.2204 of 2023, the following order is passed in this civil revision petition:

(i) The order passed in I.A.No.6 of 2023 in O.S.No.32 of 2013 dated 21.08.2025 is confirmed. The petitioners/plaintiffs shall work out their 1/5th share in the final decree application and remaining 4/5th share is clarified to be belonging to the first respondent viz., Anbu.



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(ii) The decree insofar as the declaration invalidating the purchases made by the first respondent is set aside.

The plaintiffs and the first respondent shall work out their rights for claiming their respective 1/5th and 4/5th share in the final decree application and final decree shall be passed within a period of three months from the date of receipt of a copy of this order.

10. With the above observation, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09-12-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

sr

To

The First Additional District Court, Salem



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P.B. BALAJI,J.

Today, this matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioners.

2. Mr.M.Venkatakrishnan, learned counsel for the petitioners has made a mention that in para no.9(i) of the order dated 09.12.2025, it has been wrongly mentioned as “the order passed in I.A.No.6 of 2023 in O.S.No.32 of 2013 dated 21.08.2025 is confirmed” instead of “the order passed in I.A.No.6 of 2023 in O.S.No.32 of 2013 dated 21.08.2025 is set aside”.

3. This Court perused the order and also the records and is convinced with the submission made by the learned counsel for the petitioners.

4. In view of the above, Registry is directed to substitute the following para in the place of para no.2 of the order dated 09.12.2025:

“2. The present revision has been filed challenging the order passed in I.A.No.6 of 2023, filed by the co-defendants, seeking to condone the delay in filing an application to set aside the ex parte preliminary decree.”



5. Registry is directed to substitute the following para in the place of para no.9(i) of the order dated 09.12.2025:

“(i) The order passed in I.A.No.6 of 2023 in O.S.No.32 of 2013 dated 21.08.2025 is set aside. The petitioners/plaintiffs shall work out their 1/5th share in the final decree application and remaining 4/5th share is clarified to be belonging to the first respondent viz., Anbu.”

6. Similarly, para no.10 of the order dated 09.12.2025, shall be replaced with the following para:-

“10. With the above directions, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

7. Except the above, the order shall remain intact in all other respects.

8. Registry is directed to make necessary corrections and issue a fresh order copy in the main Civil Revision Petition at the earliest.

17-12-2025

Jd



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