



C.R.P.(PD)(MD) No.82 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	21.01.2025
Pronounced on	29.01.2025

CORAM

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No. 82 of 2025 and
CMP(MD).No.500 of 2025

- 1.Muthuraj
- 2.Chellammal
- 3.Gomu
- 4.Suresh
- 5.Thamaraipathi
- 6.Muppudathi
- 7.Muthuselvi
- 8.Punitha
- 9.Mahendran
- 10.Vellathurai
- 11.Jeyalakshmi
- 12.Muppudathiammal
- 13.Vellaiammal
- 14.Sivaperumal
- 15.Manikandan
- 16.Aulkumar
- 17.Kanimozhi
- 18.Mallika
- 19.Palrosy
- 20.Prema
- 21.Priya
- 22.Sundari
23. Paramasivan

... Petitioners / Plaintiffs
1-11, 13-23 and 25

Vs.



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1.Periyaraja
2.Selvaraj
3.Murugesan
4.Esakkiammal
5.Meenatchi
6.Radhika
7.Thangaiah
8.Solomonraj
9.Yogaraj
10.Selvakumaran
11.The Tahsildar,
Thasildar Office,
Main Road, Ambasamuthiram Village,
Ambasamuthiram Taluk,
Tirunelveli District.

12.The Surveyor,
Edaikal Village -I,
Main Road, Ambasamuthiram Village,
Ambasamuthiram Taluk,
Tirunelveli District.

Respondents 1 – 12 /
Defendants 1 - 12

13.Lakshmi
14.Krishnan
15.Raja
16.Sivasankar
17.Muthumari

.. Respondents / Plaintiffs
12, 24, 26-28

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 22.11.2024 passed in I.A.No.13 of 2024 in O.S.No.32 of 2021 on the file of the learned District Munsif-Cum-Judicial Magistrate Court, Ilayangudi.



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For Petitioners

: Mr. M.Saravanan

For Respondents 11 and 12

: Mr.B.Saravanan

Additional Government Pleader

ORDER

The present revision is preferred against the fair and decreetal order, dated 22.11.2024 passed in I.A.No.13 of 2024 in O.S.No.32 of 2021 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ilayangudi.

2. The revision petitioners as plaintiffs filed the above suit in O.S.No.32 of 2021 on the file of the learned District Munsif-Cum-Judicial Magistrate Court, Ilayangudi for declaration and permanent injunction. They have also filed an application in I.A.No.3 of 2023 seeking an interim injunction restraining the defendants from encumbering the suit properties. However, the trial Court closed the said application stating that the suit is ripe for trial. Aggrieved by the same, the present revision is preferred.

3. The learned counsel appearing for the revision petitioners would



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submit that the said suit in O.S.No.149 of 2023 was filed by the revision petitioners for declaration and injunction against the respondents 1 to 12 herein. It is further submitted that the suit property is an ancestral property belonging to one Sudalaimuthu Nadan @ Sundalaimuthu Nadar and he enjoyed the same by obtaining patta. The re-settlement Register clearly shows that the said Sudalamuthu Nadar owned the suit property and on his demise, his son Mayandi Nadar succeeded the above property. In 1960, Mayandi Nadar died, leaving behind his three sons viz., Muthaiah Nadar, Pachammal Nadar and Perumal Nadar and they succeeded the suit property and enjoyed the property by mortgaging the same vide mortgage deeds bearing Doc.Nos.2410/1960 and 862/1965. The petitioners herein and the respondents 13 to 17 are the legal heirs of Muthaiah Nadar, Pachammal Nadar and Perumal Nadar and they have been in possession and enjoyment of the property by raising various crops. At this juncture, the respondents 1 to 10, who are strangers to the property, attempted to take possession under the guise of measuring the property. Hence, the revision petitioners were constrained to file the above suit. It is further submitted that the respondents 1 to 10 filed their written statement contending that the suit property originally belonging to one Thaveethu Nadar and others and they sold the properties to their



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vendor. As the respondents 1 to 10 tried to take possession of the property forcibly, the revision petitioners filed the above Interlocutory Application in I.A.No. 3 of 2023 seeking an injunction restraining the respondents from interfering with their possession of the suit property. At this juncture, the revision petitioners came to know that the counsel for the respondents 1 to 6 viz., K.Karthick Velladurai purchased the suit property from the first respondent in the name of of junior Advocates viz., R.Rajesh and K.Esakki and hence, the said K.Karthick Velladurai is taking hectic steps to take possession of the property. Hence, prayed to exercise the supervisory jurisdiction of this Court under Article 227 of the Constitution of India to direct the trial Court to dispose the interim application on merits.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. As observed by this Court in CRP(MD).No.2590 of 2018, dated 23.11.2018 closing of interim application on the ground that the suit is ripe for trial is not a practice recognized by the Code of Civil Procedure, hence, the learned III Additional District Judge, Tirunelveli is directed to



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dispose the injunction application in I.A.No.3 of 2023 in O.S.No.149 of 2023 within a period of three weeks from the date of receipt of a copy of this order and thereafter, dispose the suit within a period of six months.

6. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

trp

Copy To:

The learned District Munsif Cum Judicial Magistrate Court, Ilayangudi.



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K.GOVINDARAJAN THILAKAVADI, J.

trp

Pre-Delivery Order made in
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29.01.2025