



C.R.P.(PD)(MD)No.191 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.191 of 2021

and

C.M.P(MD) No.1485 of 2021

S.Paramasivan

... Petitioner/Appellant/
Petitioner/Plaintiff

Vs.

1. Vellammal

2. P.Eassaki Padaiyathchi

3. V.Chelladurai (Died)

... Respondents 1 to 3/
Respondents/
Respondents/Defendants

4. C.Shornam

5. C.Muthu Pandian

6. C.Kaliyammal

... Proposed Respondents

*(Respondents 4 to 6 are brought on record as LR's of the deceased
3rd respondent vide order of this Court dated 26.03.2025 made in
C.M.P(MD) Nos. 17574, 17579 and 17584 of 2024 in C.R.P(MD)
No.191 of 2021)*

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records to set aside the fair and decretal order dated 08.09.2020, passed in C.M.A.No.04 of 2016 in E.P.No.13 of 2014 in O.S.No. 108 of 1982 on the file of the learned Principal Sub Judge, Tenkasi, by allowing



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this Revision Petition.

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For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : No appearance

ORDER

This Civil Revision Petition is filed challenging the fair and decretal order dated 08.09.2020, passed in C.M.A.No.04 of 2016 in E.P.No.13 of 2014 in O.S.No.108 of 1982 on the file of the learned Principal Sub Judge, Tenkasi.

2.The petitioner is the plaintiff in O.S.No.108 of 1982 filed for declaration and recovery of possession. The said suit was decreed on 28.08.1984. Challenging the said judgment and decree, the respondent filed an appeal in A.S.No.172 of 1984 and the same was allowed on 22.12.1986. Thereafter, the petitioner preferred a second appeal in S.A.No.804 of 1987 before this Court. The said appeal was allowed on 07.01.1999. Now after a lapse of 12 years, the petitioner filed the execution petition in E.P.No.13 of 2014. The trial Court has dismissed the said petition on the ground of limiation. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the petitioner has approached the Tenkasi Taluka Legal Aid Committee to file execution



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proceedings as the petitioner has some financial difficulties. Therefore, the delay in filing the execution petition was occurred. Further, the petitioner fairly submits that though the petitioner has sought for larger relief, it would suffice if liberty is granted to the petitioner to file a fresh suit for the relief already granted by the trial Court as well as this Court.

4.In view of the limited request made by the petitioner, this Civil Revision Petition is dismissed with liberty to the petitioner to file a fresh suit. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Principal Sub Court,
Tenkasi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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