



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)Nos.348 and 349 of 2025

and

C.M.P(MD)No.1994 of 2025

C.R.P.(NPD)(MD)No.348 of 2025:

1.M.R.Muthurama Subramanian

2.M.R.Navaneethakrishnan

...Petitioners/Petitioners/
Respondents 4 & 5/3rd Parties

Vs.

K.Ramu Reddy(Died)

...2nd Plaintiff

1.M.Valaguruvan

...1st respondent/2nd Respondent/
2nd Respondent/2nd Defendant

R.Seetha Lakshmi(Died) (Exonerate) ...3rd Defendant

2.G.Subbulakshmi

3.J.Sudhamani

4.R.Seenivasa Perumal

...Respondents 2 to 4/Respondents 4 to 6
LRs of the 2nd Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decreetal order made in E.A.No.28 of 2015 in E.P.No.106 of 2008 in O.S.No.643 of 2004, dated 20.12.2024 on the file of the District Munsif Court, Vadipatti.



For Petitioners : Mr.M.Thirunavukkarasu

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C.R.P.(NPD)(MD)No.349 of 2025:

1.M.R.Muthurama Subramanian
2.M.R.Navaneethakrishnan

...Petitioners/Petitioners/
Respondents 4 & 5/3rd Parties

Vs.

K.P.Ramasamy (Died)
K.Ramu Reddy(Died)
Ramaiah (Died)

1.M.Valaguruvan

...2nd respondent/2nd Respondent
2nd Respondent/2nd Defendant

R.Seetha Lakshmi(Died) (Exonerate) ...3rd Defendant

2.G.Subbulakshmi
3.J.Sudhamani
4.R.Seenivasa Perumal

...Respondents 2 to 4/Respondents 4 to 6
LRs of the 2nd Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decreetal order made in E.A.No.2 of 2023 in E.P.No. 106 of 2008 in O.S.No.643 of 2004, dated 20.12.2024 on the file of the District Munsif Court, Vadipatti.

For Petitioners : Mr.M.Thirunavukkarasu

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COMMON ORDER

The third parties in O.S.No.643 of 2004, on the file of the District Munsif Court, Vadipatti had filed E.A.No.28 of 2015 under Order 21 Rule 89 of C.P.C.

The same petitioners have filed E.A.No.2 of 2023 under Order 21 Rule 97(though filed under Section 47 of C.P.C.) claiming 2/3 shares in the property, which is the subject matter to the execution proceedings. These applications came to be dismissed on 20.12.2024. Challenging the same, the above said revision petitions have been filed.

2.Considering the fact that both the revision petitions have been filed, challenging the order passed under Order 21 Rule 89 of C.P.C. and under Order 21 Rule 97 of C.P.C, the revision petitions are not maintainable and only an appeal should be preferred before the competent Court, in view of the Order 21 Rule 103 of C.P.C.

3.In view of the above said facts, both the revision petitions are closed with liberty to the revision petitioners to file an appeal before the competent Court. No costs. Consequently, connected miscellaneous petition is also closed.

4.The Registry is directed to return the original impugned orders in both the revision petitions to the learned Counsel appearing for the revision petitioners.

10.02.2025

Internet:Yes/No
Index:Yes/No
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C.R.P.(NPD)(MD)Nos.348 & 349 of 2



R.VIJAYAKUMAR, J.

RJR

To

The District Munsif Court, Vadipatti.

C.R.P.(NPD)(MD)Nos.348 and 349 of 2025

10.02.2025