

C.R.P.(MD)No.452 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.452 of 2020

M.Rajalakshmi (Died)

- 1.Parimila
- 2.Angayarkanni
- 3.Svithri
- 4.Shanthi
- 5.Murugesen

...Petitioners

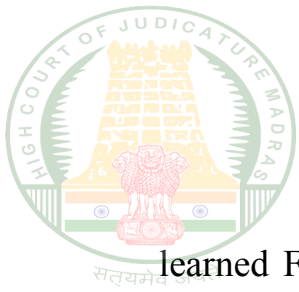
*[Petitioners are brought on record as per the order of this
Court in C.M.P.(MD)No.6688 of 2020 on 05.06.2025]*

Vs.

- 1.Maruthai
- 2.Ganesan
- 3.Deivanai
- 4.Kamalam
- 5.Rajaperumal

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records pertaining to the fair and decreetal order in I.A.No.1 of 2019 in O.S.No.72 of 2016 dated 21.11.2019, on the file of the



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learned First Additional District Judge, Tiruchirappalli and set aside the same by allowing the present Civil Revision Petition.

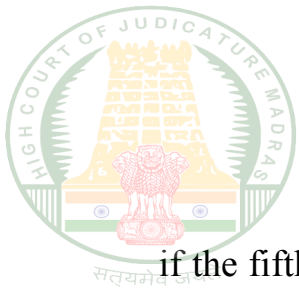
For Petitioners : Mr.R.Rajaraman
For Respondents 1 to 4 : No appearance
For Respondent No.5 : Mr.K.S.Vamsidhar

ORDER

This petition has been filed seeking to quash the order in I.A.No.1 of 2019 in O.S.No.72 of 2016 dated 21.11.2019, on the file of the learned First Additional District Judge, Tiruchirappalli.

2.The original petitioner herein filed a partition suit as against the respondents in O.S.No.72 of 2016 and the said suit was dismissed for default. To set aside the dismissal order, the petitioner filed an I.A.No.1 of 2019, with a delay of 78 days. The said delay petition was also dismissed. Challenging the same, this Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner submits that for the very same property which is the subject matter of the partition suit, the fifth respondent herein filed a suit in O.S.No.62 of 2011, for declaration and recovery of possession as against the petitioner and other respondents on the ground that as



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if the fifth respondent purchased the property from the legal heirs of Santhanam Muthuraja. The said Santhanam, the petitioner's father and two other persons are legal heirs of Maruthai Muthu. The said property is a joint family property. Thereby, the petitioner filed a partition suit. However, in the mean while, the fifth respondent's suit was decreed in his favour, against which the petitioner preferred an appeal before this Court in A.S.(MD)No.171 of 2022. This Court by its order dated 31.01.2025, dismissed the appeal filed by the petitioner. Aggrieved over the same, the petitioner preferred an SLP. In view of the subsequent developments, the learned Counsel for the petitioner prays that this Court may grant liberty to the petitioner to work out his remedy in the manner known to law.

4.In view of the above, this Civil Revision Petition is dismissed, with liberty to the petitioner to work out his remedy in the manner known to law, provided he succeeds in the appeal before the Hon'ble Supreme Court. There shall be no order as to costs.

05.06.2025

Internet:Yes/No

Index:Yes/No

MR

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To

- 1.The I Additional District Judge,
Tiruchirappalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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