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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.676 of 2022

and

C.M.P.(MD)No.2762 of 2022

V.R.Babu Veerappan ...Petitioner

Vs.

1.P.Sundari Acchi
2.P.Meenal
3.P.Radha
4.Valli
5.P.V.R.Pethaperumal
6.G.Meenal
7.V.R.Meenakshi
8.L.Uma
9.V.Chellammai Acchi
10.Ravi V.Pethaperumal
11.V.R.Azhagappan
12.P.V.R.Veerappan
13.P.V.R.Venkatachalam
14.P.V.R.Muthuveerapan
15.A.Umayal
16.Alamelu
17.S.Malliga
18.M.Senthamarai ...Respondents

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the Interlocutory Application filed in I.A.No.2 of 2021 against I.A.No.356 of 2008 in O.S.No.131 of 1996, on the file of the Sub Court, Devakottai.

For Petitioner : Mr.K.Navaneetharaja
For Respondents 1 to 6 & 11 to 16 : Mr.H.Lakshmi Shankar
For Respondents 7 & 8 : Mr.C.T.Murugappan
For Respondents 9 & 10 : Mr.V.S.Ariharasudhan
For Respondents 17 to 18 : Mr.G.Kalidoss

O R D E R

This Civil Revision Petition has been filed praying to strike off the Interlocutory Application filed in I.A.No.2 of 2021 against I.A.No.356 of 2008 in O.S.No.131 of 1996, on the file of the Sub Court, Devakottai.

2.Learned Counsel for the petitioner would submit that the petitioner is the legal heir of the fifth defendant in O.S.No.131 of 1996 and already the ninth and tenth respondents filed a partition suit in O.S.No.131 of 1996 and the said suit was decreed. I is alleged that the seventh and eighth respondents filed final decree application in I.A.No.356 of 2008 and a final decree was passed on

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05.04.2010, against which one V.Alagappan and P.V.R.Venkatachalam, filed appeal with a delay of 3212 days on the file of the Principal District Court, Sivagangai and the same was dismissed on 03.09.2021. After a lapse of 12 years, the respondents 1 to 6 filed I.A.No.2 of 2021, to recall the final decree application. The said I.A. is pending consideration. For striking of the said I.A.No.2 of 2021, the present Civil Revision Petition is filed.

3.Learned Counsel for the petitioner would submit that this Court may issue a direction to the trial Court to dispose of the I.A.No.2 of 2021, after providing opportunity to all the parties and pass appropriate orders.

4.In response, learned Counsel for the respondents 1 to 6 would submit that this Court may direct the respondents 1 to 6 to withdraw I.A.No.2 of 2024, on the file of the Sub Court, Devakottai and allow them to workout their remedy in the manner known to law either before this Court of before the lower appellate Court.

5.In view of the above submission made by the learned Counsel for the respondents 1 to 6, the respondents 1 to 6 are directed to withdraw the I.A.No.2 of 2024, on the file of the Sub Court, Devakottai and work out their remedy in

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the manner known to law either before this Court of before the lower appellate Court.

6.Accordingly, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02.07.2025

Internet:Yes/No
Index:Yes/No
MR

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To

1.The Sub Court,
Devakottai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI, J.

MR

C.R.P.(MD)No.676 of 2022

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