



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.826 of 2025

M/s.The Ramco Cements Limited,
a company incorporated under the
companies Act through its
Authorized signatory having its
Registered office at Ramamandiram,
Tenkasi Road,
Rajapalayam and
Corporate office at
1988, Radhakrishnan Road,
5th Floor, Mylapore,
Chennai.

...Petitioner/Applicant/4th Defendant

Vs.

Kalimuthu(died)

Muthu (died)

...Respondents/Respondents/Plaintiffs

Kumar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned District Munsif cum Judicial Magistrate, Rameswaram, to number the unnumbered I.A. filed in D.No.1444/2024 in O.S.No.13 of 2001 on the file of District Munsif cum Judicial Magistrate Court, Rameshwaram, within a time to be stipulated by this Court.



For Petitioner : Mr.P.Saravanan

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ORDER

The present revision petition has been filed by a third party to O.S.No.13 of 2001, on the file of the District Munsif cum Judicial Magistrate Court, Rameswaram, seeking a direction to number the diary No.1444 of 2024.

2.A perusal of the records reveal that the above said suit had been filed for the relief of partition and separate possession. The preliminary decree has already been passed on 05.04.2002. The decree holder has filed I.A.No.78 of 2012, for passing of final decree. The final decree has been passed on 04.12.2013. Based upon the final decree, the decree holder has already filed execution proceedings.

3.In such circumstances, the present I.A. has been filed by the revision petitioner herein contending that by showing wrong party/dead party, a preliminary decree and a final decree have been obtained and therefore, they should be impleaded as the necessary parties in the suit. The said application has been returned by the Court on the ground that since preliminary decree and final decree have already been passed, question of numbering I.A. would not arise.



4.The facts captured above will clearly indicate that the main proceedings are not pending before the Court as on today. In such circumstances, the question of numbering I.A. would not arise. In case, if the revision petitioner is aggrieved over the preliminary decree or the final decree, it is always open to him to file an appeal before the appropriate appellate Court after obtaining leave of the Court. Therefore, in such circumstances, this Court does not find any error in the return order passed by the trial Court.

5.Accordingly, this Civil Revision Petition stands disposed of. No costs.

6.The Registry is directed to return the original impugned order after obtaining due acknowledgment form the learned Counsel appearing for the revision petitioner.

14.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned District Munsif cum Judicial Magistrate,
Rameswaram.

Copy to:-

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



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C.R.P.(NPD)(MD)No.826 of 2



R.VIJAYAKUMAR, J.

RJR

C.R.P.(NPD)(MD)No.826 of 2025

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