

C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.698 of 2021 and 1489 of 2022

and

C.M.P.(MD).Nos.3821 of 2021 & 6251 of 2022

C.R.P(MD).No.698 of 2021

1.Balakrishnan (died)

2.B.Afrin

(second petitioner is brought on record as LR of the deceased sole petitioner vide Court order dated 08.11.2024 made in CMP(MD).No.8880 of 2024 in CRP(MD).No.698 of 2021 by GIJ)

...Petitioner

Vs.

Karthikeyan

... Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to call for the records and set aside the fair and decreetal order dated 15.03.2021 in E.A.No.8 of 2020 in E.P.No.3 of 2019 in O.S.No.676 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Athoor and allow this civil revision petition with costs.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mr.J.Anandhakumar



C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

C.R.P(MD).No.1489 of 2022

Karthikeyan

...Petitioner

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Vs.

1.M.S.Balakrishnan

2.Mahalingam

3.Sivakumar

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to call for the records relating to order and decreetal order dated 24.02.2022 passed in I.A.No.1 of 2020 in A.S.No.6 of 2017 on the file of the learned Additional Subordinate Judge, Dindigul and set aside the same and consequently allow the present civil revision petition.

For Petitioner : Mr.J.Anandkumar

For R1 : Mr.H.Lakshmi Shankar

COMMON ORDER

C.R.P(MD).No.698 of 2021 has been filed to set aside the fair and decreetal order dated 15.03.2021 made in E.A.No.8 of 2020 in E.P.No.3 of 2019 in O.S.No.676 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Athoor.

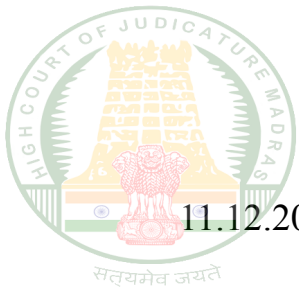


C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

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2. C.R.P(MD).No.1489 of 2022 has been filed challenging the decreetal order dated 24.02.2022 passed in I.A.No.1 of 2020 in A.S.No.6 of 2017 on the file of the learned Additional Subordinate Judge, Dindigul and set aside the same.

3. The learned counsel appearing for the petitioner in C.R.P(MD).No. 698 of 2021 would submit that O.S.No.676 of 2010 was filed by M.S.Balakrishnan before the Additional District Munsif Court, Dindigul, for redemption of property and to revoke the mortgage deed, which was executed by Subramaniapillai, father of the said Balakrishnan, in favour of one Panchavarnam for a sum of Rs.10,000/-. It is pertinent to note that the said Panchavarnam made over to one Ochammal, who died on 01.04.2000, leaving behind her legal heirs, who are the defendants in O.S.No.676 of 2010. The said suit was decreed on 08.11.2016 in favour of the plaintiff. Against which, the defendants filed A.S.No.6 of 2017 before the Additional Subordinate Court, Dindigul and the same was dismissed for default. In the meantime, the plaintiff filed E.P.No.137 of 2016 in O.S.No.676 of 2010 and the same was transferred to the file of the District Munsif cum Judicial Magistrate Court, Athoor and renumbered as E.P.No.3 of 2019. Thereafter, delivery was ordered on 18.02.2020 and the same was effected on



C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

11.12.2020, in which, the first defendant filed E.A.No.8 of 2020 and the same was allowed. Aggrieved over the same, the plaintiff in O.S.No.676 of 2010 filed C.R.P(MD).No.698 of 2021.

4. The learned counsel appearing for the respondent in C.R.P(MD).No. 698 of 2021 would submit that as against the dismissal order of the appeal suit filed by him/first defendant in O.S.No.676 of 2010, he filed I.A.No.1 of 2020 with the delay of 236 days and the same was also dismissed vide order dated 24.02.2022. Aggrieved over the same, he filed C.R.P(MD).No.1489 of 2022. He has also filed O.S.No.719 of 2023 seeking for a sum of Rs.1,09,150/- from the plaintiff, on the file of the Sub Court, Dindigul, which is still pending.

5. He would further submit that the respondent himself appears before this Court and he agreed to receive a sum of Rs.10,000/- with interest 12% and total amount as on date comes to Rs.60,000/-. He further submitted that if Rs.60,000/- is paid by the legal heir of Balakrishnan, the respondent will not interfere with the suit property.

6. In view of the above, since delivery was ordered in favour of the petitioner in C.R.P.(MD)No.698 of 2021 / plaintiff, the possession of the



C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

plaintiff is confirmed. It is reported that already Rs.10,000/- was deposited by the petitioner before the Court below and remaining Rs.50,000/- is directed to be paid by way of demand draft directly to Karthikeyan / first defendant in the suit within a period of two weeks from the date of receipt of a copy of this order. Further, liberty is granted to the judgment debtor / Karthikeyan to withdraw a sum of Rs.10,000/- with accrued interest.

7. In view of the settlement arrived between the parties in this case, the suit in O.S.No.719 of 2023 on the file of the Subordinate Court, Dindigul, is hereby struck off. Both Civil Revision Petitions are disposed of with the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.06.2025

NCC:Yes/No

Index:Yes/No

Rmk

To:-

- 1.The District Munsif cum Judicial Magistrate, Athoor.
- 2.The Additional Subordinate Judge, Dindigul.
- 3.The Subordinate Court, Dindigul.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P(MD).Nos.698 of 2021 and 1489 of 2022

M.DHANDAPANI, J.

Rmk

C.R.P.(MD)Nos.698 of 2021 and 1489 of 2022

12.06.2025