



C.R..P.(NPD)(MD).No.1138 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.1138 of 2025

and

C.M.P(MD) No.6130 of 2025

1. Andal	... 1 st Petitioner/1 st Petitioner/ 2 nd Defendant
2. Aiswarya	... 2 nd Petitioner/2 nd Petitioner/ LR of 1 st Defendant
Vs.	
Seeniammal (Died)	/ 1 st Respondent/Plaintiff
1. Lebanon Arul Mani	
2. Arul Mani	
3. Niramathi Inbaraj	
4. Valarmathi Kirubakaran	
5. Nimmathi Jeyakumar	
6. Mathiraj Arulmani	... Respondents/ Respondents 2 to 7/ 3 rd Parties



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Docket order dated 21.02.2025 passed in I.A. unnumbered of 2024 in O.S.No.28 of 1998 on the file of the Sub Court, Kovilpatti.

For Petitioners : Mr.V.Shathurthi Raja

ORDER

The legal heirs of the first defendant and the second defendant in O.S.No.28 of 1998, on the file of the Sub Court, Kovilpatti have filed the present Civil Revision Petition challenging the docket order passed by the said Court on 21.02.2025.

2. A perusal of the Docket order reveals that the revision petitioners herein have filed an interlocutory application for permitting them to withdraw a sum of Rs.77,63,786/- which has been deposited to the credit of the said suit by the Land Acquisition Authorities. This interlocutory application has been returned on the ground that the revision petitioners have not enclosed the lower Court decree as well as the appellate Court decree.



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3. According to the learned counsel appearing for the revision petitioners, the lower Court decree and the Appellate Court decree have already been enclosed along with the interlocutory application. He further contends that the suit was filed for the relief of partition and recovery of money. The suit was decreed only with regard to the prayer for partition. The defendants had filed the first appeal and the same was dismissed. Challenging the same, the defendants have filed Second Appeal in S.A.(MD) No.322 of 2003. Pending second appeal, the parties have entered into a compromise and compromise decree came to be passed on 23.11.2009. As per clause 4 of the said Compromise decree, the revision petitioners herein are entitled to withdraw the above said amount which has been deposited to the credit of O.S.No.28 of 1998 by the Land Acquisition Authorities. In such a view of the matter, the trial Court decree as well as the appellate Court decree are not necessary for numbering the interlocutory application for withdrawal of the amount. He further submits that the interlocutory application has been filed solely by relying upon the compromise memo and decree passed in second appeal.



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4. Considering the above said facts, the return order passed by the trial Court is hereby set aside and the Sub Court, Kovilpatti, is directed to number the interlocutory application and dispose of the same on merits and in accordance with law on or before **31.08.2025**.

5. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

08.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note:

Registry is directed to return the original impugned order to the petitioner after getting necessary endorsement after retaining a copy of the same for record.



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To

1. The Sub Court,
Kovilpatti.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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