

C.R.P.(PD)(MD).No.989 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.989 of 2025

and

C.M.P.(MD)Nos.5312 and 9761 of 2025

1.G.Uma

2.G.Ananthi

3.G.Sivamuthu

... Petitioners

Vs.

Ramanujam Ammal (died)

1.G.Muthumari

2.S.Manoharan

3.The Sub Registrar,
O/o.Sub Regitsrar,
Sivakasi, Virudhunagar District.

4.The Tahsildar,
Taluk Office,
Sivakasi.

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the ex and fair order passed in review petition in I.A.No.9 of 2024 in I.A.No.6 of 2024 in O.S.No.51 of 2021 dated 06.02.2025 on the file of the Additional District Court, Virudhunagar.



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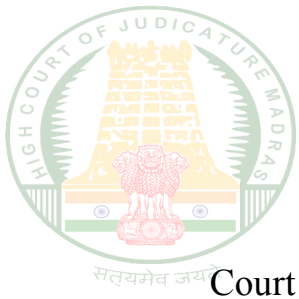
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For Petitioner : Mr.M.Ponniah
For R1 : Mr.A.Sivaji
For R3 & R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The Civil Revision Petition is filed challenging the order passed in review petition in I.A.No.9 of 2024 in I.A.No.6 of 2024 in O.S.No.51 of 2021 dated 06.02.2025 on the file of the Additional District Court, Virudhunagar.

2.The petitioners are the defendants 2 to 4 in the suit in O.S.No.51 of 2021. The said suit was filed by the first respondent/plaintiff for partition. In that suit, the first respondent/plaintiff filed an interlocutory application in I.A.No.6 of 2024 for amendment of pleadings by adding some schedule of properties and the said interlocutory application was partly allowed by granting permission to the plaintiff to amend some schedule of properties. Aggrieved by the same, the first respondent/plaintiff filed a Civil Revision Petition in C.R.P.(MD)No.1075 of 2024 and the said Civil Revision Petition was allowed on 23.10.2024 by allowing the entire prayer sought by first respondent/plaintiff in I.A.No.6 of 2024. Now, the petitioner filed the present interlocutory application in I.A.No.9 of 2024 seeking to review the order passed in I.A.No.6 of 2024. The said application was dismissed by the trial



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Court on 06.02.2025. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioners/defendants 2 to 4 submits that there are five interlocutory applications filed including I.A.No.6 of 2024 for including several properties. Initially, three properties were included. Further, by way of subsequent amendment, five properties were included. The subsequent inclusion of the property made in the plaint, pursuant to the order passed by this Court in C.R.P.(MD)No.1075 of 2024 is contrary to the order made in C.R.P.(MD)No.1075 of 2024. Therefore, the petitioners filed an application to review the order made in the interlocutory application on the basis of the order passed in the earlier Civil Revision Petition filed by the plaintiff. The trial Court without considering the same, has dismissed the said petition.

4.The learned counsel for the first respondent/ plaintiff would submit that the order passed in I.A.No.6 of 2024 was challenged by the plaintiff himself by way of Civil Revision Petition, since the amendment sought by the plaintiff regarding some of the properties was refused, and this Court has also



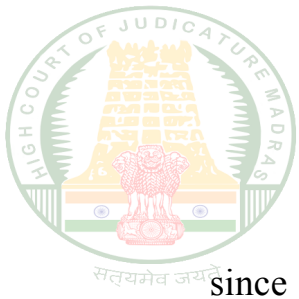
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allowed the said Civil Revision Petition by allowing the entire prayer sought in I.A.No.6 of 2024. When the order passed in an interlocutory application is merged with the order passed by this Court in the Civil Revision Petition, the said order cannot be sought to be reviewed by way of another interlocutory application before the trial Court. The trial Court has rightly dismissed the application filed by the petitioners and the same need not be interfered.

5.Heard the rival submissions made on either side and perused the materials placed on record.

6.Perusal of the records shows that initially I.A.No.6 of 2024 was partly allowed by the trial Court. Thereby, the first respondent /plaintiff filed a Civil Revision Petition before this Court and the said revision petition was allowed by granting the entire relief sought in I.A.No.6 of 2024. Now, the very same order passed in I.A.No.6 of 2024 is sought to be reviewed by way of another interlocutory application in I.A.No.9 of 2024, which is not sustainable. Once the interlocutory application filed for amendment is allowed by this Court under Article 227 of the Constitution of India, it cannot be sought to be reviewed by way of another interlocutory application before the trial Court,



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since the trial court lacks the jurisdiction to overturn it. The trial Court has rightly appreciated the issue and dismissed the interlocutory application filed by the petitioners. Therefore, this Court is not inclined to interfere with the just and reasonable order passed by the trial Court.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

Index : Yes / No
Internet : Yes / No
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To

1. The Additional District Court, Virudhunagar.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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