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C.R.P. (MD) No.2195 of 2025

C.R.P. (MD) No.2195 of 2025
and
C.M.P.(MD) No.12993 of 2025

M. DHANDAPANI, J.

Today, the matter is listed under the caption “For Being Mentioned”, at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that though this Court had issued directions to the petitioner to deposit Rs.6,00,000/- to the credit of O.S. No.2 of 2013, vide order dated 11.08.2025, but no time frame has been specified. Therefore, learned counsel for the petitioner prays that, that part of the order may be clarified by fixing a time period.

3. In view of the above, para 6 of the order dated 11.08.2025 shall stand substituted with the following :-

6. The facts in the present case are not in dispute. Admittedly, the petitioner and the respondent are brothers. The respondent filed a partition suit claiming 6/15th share and the suit was decreed ex-parte as against the petitioner and trial Court passed the preliminary decree on 04.03.2015 and thereafter, the respondent initiated final decree proceedings and at the time of final decree proceedings, the present I.A.s namely I.A. Nos.2 & 3 of 2023 came to be filed by the petitioner and the same were dismissed by the trial Court. However, the respondent's claim of the share is valued at Rs.2,50,000/- for both the schedule of properties. In order to strike the balance between the



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parties and considering the fact that an ex-parte decree has been passed and on the basis of ex-parte order no one can suffer, that too blood relatives, this Court is inclined to issue a direction to the petitioner to deposit Rs.6,00,000/- (Rupees six lakhs only) to the credit of O.S. No.2 of 2013, within a period of four weeks from the date of receipt of a copy of this order. After such deposit, the trial Court is directed to restore the suit, permit the petitioner to file written statement and dispose of the suit in accordance with law.

4. Except for the above modification, the remaining part of the order dated 11.08.2025 shall stand unaltered.

5. Registry is directed to issue fresh order copy to the learned counsel for the parties.

22.10.2025

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