



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1705 of 2025

and

C.M.P.(MD)No.9178 of 2025

Murugesan

...Petitioner

Vs.

Pappathi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order dated 03.02.2025 in I.A.No.2 of 2024 in O.S.No.502 of 2016 on the file of the Additional Subordinate Court, Karur.

For Petitioner : Mr.S.Satheesh Kumar

ORDER

This petition has been filed seeking set aside the order dated 03.02.2025 in I.A.No.2 of 2024 in O.S.No.502 of 2016, on the file of the Additional Subordinate Court, Karur.



2.Learned Counsel for the petitioner would submit that the petitioner is the first defendant in the suit in O.S.No.502 of 2016. The respondent filed a partition suit as against the petitioner, in which the respondent filed two interlocutory applications in I.A.Nos.2 and 3 of 2024, to reopen and to stay the order of the trial Court in I.A.No.3 of 2023. The trial Court, by order dated 03.02.2025, allowed I.A.No.2 of 2024 and closed I.A.No.3 of 2024. Challenging the same, this Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that already the petitioner filed I.A.No.3 of 2023, under Order 26 Rule 10(A) and Section 151 of CPC, for appointment of Advocate Commissioner, to sent the documents dated 03.01.1986 for expert opinion for comparison of the signature of his grandfather Palaniappa Gounder with the contemporary document dated 14.05.1984, in which the respondent's / plaintiff's Counsel's junior made endorsement for no objection. Thereby, the said petition came to be allowed. Apart from that P.W.1 also in cross-examination admitted to send the documents for expert opinion. While that being so, at this point of time, the trial Court re-opening the said I.A.No.3 of 2023 is unsustainable and hence, he prays for appropriate orders.

4.Since no adverse orders are passed in the present Civil Revision Petition, notice to the respondent is dispensed with and this Civil Revision Petition is being disposed of at the admission stage itself.



5. Admittedly, the petitioner is the defendant in the partition suit filed by the respondent in O.S.No.502 of 2016 and the petitioner filed an interlocutory application in I.A.No.3 of 2023, for appointment of Advocate Commissioner and for sending certain documents for signature comparison, in which it is alleged that the respondent Counsel's junior made endorsement of no objection within getting instructions from his senior. Accordingly, the said I.A. came to be allowed. Thereafter, on coming to know about the same, the present I.A.Nos. 2 and 3 of 2024 came to be filed by the respondent for reopening the previous I.A. and for stay of the order in the said I.A.No.3 of 2023. The trial Court allowed for reopening the I.A.No.3 of 2023 and closed the stay petition. Since the consent for no objection is an inadvertent mistake committed by the junior Counsel, the trial Court has rightly passed the impugned order. Hence, the impugned order need not be interfered with. However, the trial Court is directed to pass appropriate orders in I.A.No.3 of 2023, within a period of three [3] months.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, C.M.P.(MD)No.9178/2025 is closed.

19.06.2025

Internet: Yes/No

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MR

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To

- 1.The Additional Subordinate Court,
Karur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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