

CRP(MD). No.1452 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.1715 and 1716 of 2021
and CMP(MD) Nos.9170 and 9171 of 2021**

Selvaraj

... Petitioner in
both petitions/7th defendant

Vs

1.Jamary @ Jayamary

2.Lourdumary

3.Arputhamary

4.Palaenthram

5.Sathianathan

6.Anthonysamy

7.Baskar Rasa

... Respondents
/Plaintiffs

8.Silathmary

9.Panneer @ Savarimuthu

10.Soosai

1/7



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11.Maryammal @ Puthumai mary

12.Meichal @ Mechalraj

13.The Sub Registrar
Sub Registrar Office,
Public Offices Premises
Pudukottai.

... Respondents 8-13/
Defendants

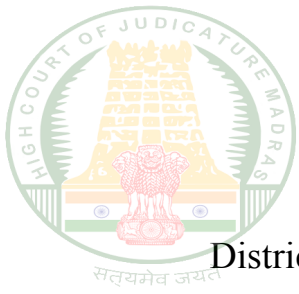
PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.02.2021 in I.A.No.07/2021 in IA No.20 of 2020 in O.S.No.290 of 2013 on the file of the District Munsif, Pudukottai.

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 15.02.2021 in I.A.No.39/2021 in IA No.20 of 2020 in O.S.No.290 of 2013 on the file of the District Munsif, Pudukottai.

For Petitioner : Mr.H.Lakshmi Shankar
For Respondents : Mr.P.T.Thiraviam for R13
Government Advocate
No appearance for R8 to R10

COMMON ORDER

The Civil Revision Petitions have been filed against the fair and decreetal order dated 02.02.2021 and 15.02.2021 in I.A.Nos.07 and 39/2021 in IA No.20 of 2020 in O.S.No.290 of 2013 on the file of the



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District Munsif, Pudukottai.

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2. The learned counsel for the petitioner would submit that the petitioner is the 7th defendant in OS No.290/2013. The respondents 1 to 7 are the plaintiffs and they instituted the suit for permanent injunction claiming that they are only the mortgagees of the suit schedule property and the said suit is filed not to evict them without due process of law. Subsequently, a petition was filed for an amendment for declaration of title and injunction in IA No.1241/2014 and the said interlocutory application was allowed without serving notice on the petitioner herein. Questioning the said allowing of the said interlocutory application, the petitioner filed IA No.20/2020 to set aside the said order of amendment. In the said petition, notice was not effected to the 12th respondent/5th defendant on the ground that the same was returned and hence, the petitioner filed IA Nos.7 and 39/2021 to effect notice in terms of Order V Rules 15 and 19 of the Code of Civil Procedure and the same were dismissed. Challenging the same, the petitioner is before this Court.

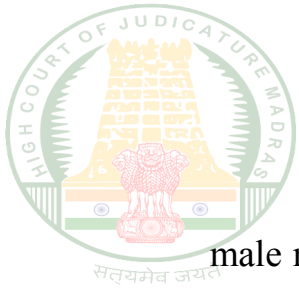


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3. The learned counsel for the petitioner would submit that against the 12th respondent/5th defendant, notice was returned on the ground that the 5th defendant had gone to Singapore. However, this Court may grant liberty to the petitioner to file another application in terms of Order V Rule 20 for effecting substituted service.

4. I have considered the rival submissions and perused the materials available on record.

5. If notice was returned, the petitioner is having effective and alternative remedy of serving notice on the unserved respondent by way of substituted service through paper publication or other modes. In these present cases, the 12th respondent/5th defendant had gone to Singapore. In that case, the petitioner can very well opt for other substituted service for serving notice on him. Without doing so, the petitioner has straight away invoked Article 227 of the Constitution of India by filing the present Civil Revision Petitions. Accordingly, the civil revision petitions are dismissed with liberty to the petitioner to file appropriate application/s before the trial Court with applicable provisions for affixture and to serve



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male members in the family in terms of Order V Rule 20 of the Code. If such an application/s is/are filed, the trial Court is directed to dispose the same in accordance with law. No costs. Consequently connected Miscellaneous Petitions are closed.

17.06.2025

NCC : Yes/No
Index : Yes/No
RR



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TO

1.The District Munsif, Pudukottai.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) Nos.1715 and 1716 of 2021**

Date : 17/06/2025