



C.R.P.(MD)No.1926 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.1926 of 2025
and
C.M.P(MD)No.10978 of 2025

Ganesan

... Petitioner

Vs.

1.Vellai
2.Chinnammal
3.Annammal
4.Prabakaran

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the petition and order passed in I.A.No.03 of 2022 in O.S.No.318 of 2016 dated 22.01.2024 before the learned Additional Sub-Judge, Dindigul.

For Petitioner : Mr.B.Bhuvaneshvari

For Respondents : Mr.T.K.Gopalan

ORDER

This Civil Revision Petition is filed seeking to set aside the petition and order passed in I.A.No.03 of 2022 in O.S.No.318 of 2016 dated 22.01.2024 by the Additional Sub-Court, Dindigul.



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2. The case of the petitioner is that the respondents 1 & 2 filed a suit in O.S.No.318 of 2016 before the Additional Sub-Court, Dindigul for partition. The petitioner is the first defendant in the said suit. The respondents 3 & 4 are the defendants 2 & 3. The said suit is filed for partition for the properties which is already partitioned within each other and they the petitioner's self-acquired property. The petitioner's possession in the petition mentioned property, some properties were acquired by the land acquisition department by national highways. For depositing the amount, the petitioner filed a writ petition before this Court in W.P.No.15855 of 2020. This Court by an order dated 10.11.2020 directed the National Highways authorities to deposit the amount before the trial Court. Pursuant to the order of this Court, the amount was deposited into Court in O.S.No.318 of 2016. Thereafter, the respondents 1 & 2/plaintiffs filed I.A.No.3 of 2022 to amend the plaint. The said petition was allowed. Challenging the same, the present Civil Revision petition is filed by the petitioner/first defendant.

3. Though the petitioner has come forward with a larger prayer, it is now submitted by the learned counsel for the petitioner that the petitioner would be satisfied if this Court may permit the petitioner to raise all the defense before the trial Court with regard to the apportionment of the amount and



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entitlement of the amount by the respondents 1 & 2/plaintiffs and including the non-payment of the Court Fee for the amount deposited before the trial Court.

4. The learned counsel appearing for the respondents has no serious objections for the same.

5. In view of the submission made by the learned counsel for the petitioner, this civil revision petition dismissed with liberty to the petitioner to raise all the defense available to him before the trial Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Additional Sub-Judge,
Dindigul.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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