



C.R.P.(PD)(MD).No.1772 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1772 of 2022

and

C.M.P.(MD)No.7874 of 2022

Umadevi

...Petitioner

Vs.

S.Natarajan (died)

- 1.N.Venkatesaperumal
- 2.N.Jayalakshmi
- 3.G.Prema
- 4.V.Geetha
- 5.S.Rajeswari
- 6.A.Vijayalakshmi
- 7.Ranjithkumar
- 8.Harikrishna
- 9.Govindaraj @ S.G.Raj

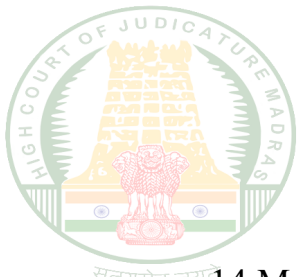
Seethalakshmi (died)

10.Kaliyamoorthy @ Dhandapani

Saroja (died)

- 11.Rajendran
- 12.Kamaraj
- 13.Sivamani

1/6



C.R.P.(PD)(MD).No.1772 of 2022

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14.M.Rajendran

15.Virudhachalam Moopanar

16.Mallika

17.S.Nagarajan

18.S.Sekar

19.N.Veeramani

20.A.Lalitha

21.K.Malarkodi

22.Elangovan

23.A.Amaravathi

24.Minor Nathan

25.Minor Ananthi

... Respondents

[Minor respondents 24 and 25 are represented by their mother, natural guardian, R.Amaravathi/23rd respondent]

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the order passed by the Additional Sub Court, Thanjavur in I.A.No.21 of 2022 in O.S.No.67 of 2008 dated 07.04.2022.

For Petitioner : Mr.P.Vadivel
For R22 : Mr.T.Sathiyathan
For R11 to R13 : Mr.Anandha Prakash
For R1 to R10
& R14 to R21 : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order dated 07.04.2022 in I.A.No.21 of 2022 in O.S.No.62 of 2008 made by the learned Additional Sub Judge, Thanjavur.

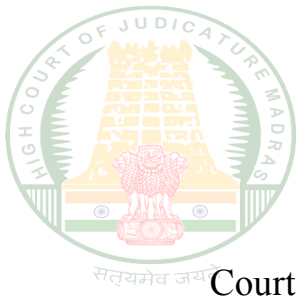


C.R.P.(PD)(MD).No.1772 of 2022

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2.The petitioner is one of the share holders in the partition suit filed by the first respondent/plaintiff and she was allotted 1/5th share in the suit schedule property. The petitioner claims that the suit property is the ancestral residential property, in which alienation to third parties will affect the sentiments of the petitioner and the other defendants. Therefore, she filed a petition under Section 4 of the Partition Act seeking leave of the Court to purchase the subject property. The said application was dismissed. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submits that the subject property is the ancestral residential property. The partition suit filed by the first respondent/plaintiff was decreed allotting 1/5th share to the petitioner herein. In the final decree application, it was reported that the suit property could not be divided and hence, the subject property was decided to be brought for public auction. The claim of the petitioner is that the subject property is the ancestral residential properties and the petitioner is residing in that property for more than 50 years. Hence, she is ready to purchase the property by paying due share amount to all the co-sharers. However, the trial



C.R.P.(PD)(MD).No.1772 of 2022

WEB COPY

Court without taking note of the factual aspects, has dismissed the petition filed by the petitioner. It is further submitted that to show her *bona fide*, the petitioner has already deposited a sum of Rs.5 lakhs before the trial Court.

4. Some of the share holders were not served with notice in this Civil Revision Petition, whereas some of the share holders were represented by Counsel and consented for alienating the suit property in favour of the petitioner.

5. The facts in the present case are not in dispute. It is also equally undisputed that the subject property cannot be divided by metes of bounds. Admittedly, the petitioner is ready to purchase the subject property by paying the due share amount to the other share holders at the market value.

6. Taking into consideration the facts and circumstances of the case, this Court directs the trial Court to ascertain the market value of the subject property and obtain necessary consent from the other share holders with regard to the alienation of the subject property in favour of the petitioner herein. If the other share holders give their consent for such alienation, the



C.R.P.(PD)(MD).No.1772 of 2022

WEB COPY

petitioner shall purchase the property from the other share holders at the value fixed by the trial Court.

7. With the above direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

06.08.2025

NCC : Yes/No
Internet : Yes / No
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To

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



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C.R.P.(PD)(MD).No.1772 of 2022

M.DHANDAPANI,J.

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C.R.P.(PD)(MD)No.1772 of 2022

06.08.2025