

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.2563 of 2014 & 298 of 2021

and

C.M.P.(MD).Nos.6355 and 6357 of 2020 & 18116 of 2024 and 1689 of 2021
and M.P.(MD).No.1 of 2014

C.R.P.(MD).No.2563 of 2014

1.A.Kannan

2.Chithradevi

...Petitioners

Vs.

1.Seethammal

2.Vijayalakshmi

3.Seeni Ammal

4.Rajeswari

5.Arunachalam

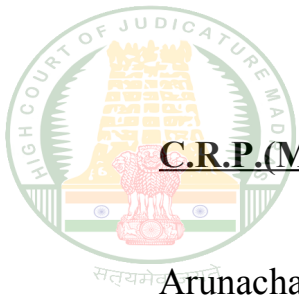
...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order passed in I.A.No.244 of 2013 in O.S.No.76 of 2013 on the file of the District Munsif Court, Sattur, dated 18.08.2014.

For Petitioners : Mr.M.P.Senthil

For R-1 : Mr.A.Sivaji

For R-3 : Mr.M.Thirunavukarasu



C.R.P.(MD).No.298 of 2021

Arunachalam (Died)

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1.A.Seeniammal

2.Ponnuthai

3.Maheshwari

...Petitioners

Vs.

1.V.Seethammal

2.Vijayalakshmi

3.Rajeshwari

4.A.Kannan

5.Chitra Devi

6.Sankaranarayanan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.4 of 2020 in O.S.No.76 of 2013 dated 05.01.2021 on the file of the District Munsif Court, Sathur.

For Petitioners : Mr.M.Thirunavukkarasu

For R-1 : Mr.A.Sivaji

For R-2 to R-6 : Mr.M.P.Senthil

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COMMON ORDER

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C.R.P.(MD).No.2563 of 2014 has been filed seeking orders to set aside the fair and decreetal order passed in I.A.No.244 of 2013 in O.S.No.76 of 2013 on the file of the District Munsif Court, Sattur, dated 18.08.2014.

2. C.R.P.(MD).No.298 of 2021 has been filed seeking orders to set aside the fair and decreetal order passed in I.A.No.04 of 2020 in O.S.No.76 of 2013 on the file of the District Munsif Court, Sattur, dated 05.01.2021.

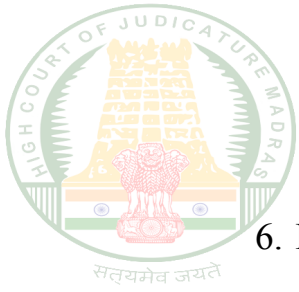
3. The first respondent filed O.S.No.76 of 2013 before the learned District Munsif Judge, Sattur, seeking partition and a declaration that the sale deed dated 30.08.2010 executed by the fourth defendant in the suit in favour of defendant Nos.5 and 6 is a forged one. Pending suit, the petitioner filed an Interlocutory Application in I.A.No.244 of 2013 under Order II Rule 2 CPC before the learned District Munsif, Sattur, for permitting the first respondent to file a separate suit for the other properties other than the property in dispute. The said petition was allowed on 18.08.2014. The first respondent thereafter filed another Interlocutory Application in I.A.No.4 of 2020 under Order VI Rule 17 r/w 151 CPC before the learned District Munsif, Sattur, for including the left-out properties in the suit. The said petition was allowed on 05.01.2021 by the learned Judge. Challenging the same, the petitioners herein filed these Civil Revision Petitions.



3. The learned counsel appearing for the petitioners would submit that the first respondent filed O.S.No.76 of 2013 before the learned District Munsif, Sattur and the petitioners in CRP.(MD).No.2563 of 2014 is the defendant Nos.5 and 6 in the suit. The petitioners in CRP.(MD).No.298 of 2021 are defendant Nos.2, 7 and 9 in the suit. The first respondent filed a petition in I.A.No.244 of 2013 and the said petition was allowed in favour of the first respondent. Subsequently, the very same first respondent filed a petition in I.A.No.4 of 2020 before the District Munsif, Sattur and the said petition was allowed in favour of the first respondent on 05.01.2021 and amendment was carried out. Now, the main suit is posted for almost final evidence.

4. The earlier Interlocutory Application in I.A.No.244 of 2013 was filed seeking permission for the first respondent to file a separate suit in respect of properties other than the one in dispute. Subsequently, an Interlocutory Application in I.A.No.4 of 2020 was filed for including the left-out properties in the present suit. Since the petitioners can very well raise all the points in the suit, it is represented before this Court that the amendment has already been carried out based on the order passed in I.A.No.4 of 2020.

5. In view of the subsequent development, the order passed in I.A.No.244 of 2013 in O.S.No.76 of 2013 passed by the learned District Munsif, Sattur, is hereby set aside and liberty is granted to the petitioners to canvass all those points before the trial Court.



6. In the result, C.R.P.(MD).No.2563 of 2014 stands allowed and C.R.P.
(MD).No.298 of 2021 stands disposed of. No costs. Consequently, connected
miscellaneous petitions are closed.

04.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The District Munsif Court, Sattur.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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C.R.P.(PD)(MD)No.2563 of 2014 and 298 of 2021

M.DHANDAPANI, J.

TSG

**C.R.P.(PD)(MD)Nos.2563 of 2014
and 298 of 2021**

04.06.2025