



CRP(MD). No.2371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.2371 to 2373 of 2025
and CMP(MD) Nos.14186, 14187 and 14188 of 2025**

Valliyammal

... Petitioner in all
petitions

Vs

1. Kasthuri
2. Devaki
3. Uppili
4. Subathira
5. Akila
6. Rajaram
7. Chandralekha

... Respondents in all
petitions

PRAYER :-Civil Revision Petitions filed under Section 115 of Code of Civil Procedure Code, to set aside the common fair and decretal order passed in E.A.Nos.3 to 5 of 2023 in E.P.No.227 of 2021 in O.S.No.124 of 2010 dated 30-06-2025 on the file of the I-Additional District Court (PCR) Trichy.

For Petitioner : No appearance



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COMMON ORDER

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The Civil Revision Petitions are filed against the common fair and decreetal order passed in E.A.Nos.3 to 5 of 2023 in E.P.No.227 of 2021 in O.S.No.124 of 2010 dated 30-06-2025 on the file of the I-Additional District Court (PCR) Trichy.

2. Though the matters were called in the morning session, none appeared for the petitioner and hence, it was passed over and directed to be called in the afternoon session. However, in the afternoon also, when the matters were called, none appears for the petitioner. Hence, this Court perused the available materials in order to ascertain as to whether these petitions can be disposed of with the available materials and accordingly, dispose the same with the available materials.

3. Since the petitioner and the respondents and the issue in these petitions are one and the same, they were taken up together and disposed by this common order.



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4. A perusal of the record would go to show that the first respondent/plaintiff filed a suit for partition of suit property into three equal shares and allot one share to the first respondent/plaintiff in OS No.124/2010. The said suit was decreed in favour of the plaintiff on 27.01.2014 and final decree was passed on 06.04.2017. For execution of the said decree, the first respondent/plaintiff filed EP No.227/2021, which was ordered. Subsequently the first respondent/plaintiff filed EA Nos.2 to 5 of 2023 for break open the premises, delivery of possession, assistance of Surveyor, order to use pocklain and to break open under Section 151 of the Code of Civil Procedure. Those applications were ordered. Challenging the said common order, the petitioner/7th defendant is before this Court.

5. A perusal of the order of the Court below reveals that against the preliminary decree, no appeal has been preferred and after final decree proceedings also, the 7th defendant transferred 'A' schedule property in favour of one V.Raja vide document No.1802/2021 dated 22.03.2021 and the said Raja also obtained planning permission and had constructed a building therein.



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6. From the order of the Court below, it is seen that A schedule property was transferred in favour of one Raja on 22.03.2021. This Court unable to understand the fact that after passing of the final decree dated 06.04.2017, without preferring any appeal and without setting aside the same, how the 7th defendant/petitioner herein has transferred the property in favour of one Raja. In the absence of any restrained order, such a transfer is invalid one. Hence, the trial Court has rightly allowed those applications. Accordingly, no interference is warranted to the well considered order of the trial Court and the Civil Revision Petitions are misconceived.

7. In the result, the Civil Revision Petitions are dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

29.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The I-Additional District Court (PCR) Trichy.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) Nos.2371 to 2373 of 2025**

Date : 29/08/2025