



C.R.P.(MD)No. 2192 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2192 of 2025

and

C.M.P.(MD)No.12973 of 2025

Palanivel (Died)

Papu (Died)

Pooranam (Died)

1.Pushpavalli

2.Manickavasagam

3.Poovanandham

...Petitioners

Vs.

Singaram (Died)

Kanagaraj (Died)

Selvaraj (Died)

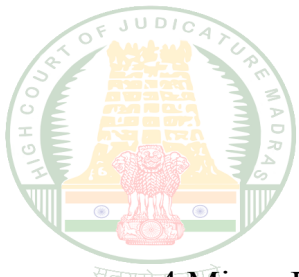
Periyanayaki (Died)

Rethinasabapathi (Died)

1.Sathiyabama

2.Gnanasundari

3.Chitra



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4.Minor Ramya

5.Minor Karan

6.Rajeswari

7.Indirani

8.Narmadhadevi

9.Stalin

10.Praveenkumar

11.Gnanambal

12.Sridharan

13.Sivajothi

14.Chithradevi

15.Sarojini

16.Navamani

17.Manickam

18.Murugan

19.Thangamal

20.Selvi

21.Devaraj

22.Selvakumar

23.Kanaki

24.Kala

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records and set aside the petition and order dated 10.07.2025 passed in I.A.No.685 of 2022 in O.S.No.147 of 1988, on the file of



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the learned Principal Sub Court, Pudukkottai and allow this Revision by passing suitable direction.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office

ORDER

This petition has been filed seeking to set aside the petition and order dated 10.07.2025 passed in I.A.No.685 of 2022 in O.S.No.147 of 1988, on the file of the learned Principal Sub Court, Pudukkottai.

2.Learned Counsel for the petitioners would submit that the petitioners are the legal heirs of the first defendant in O.S.No.147 of 1998, on the file of the Principal Sub Court, Pudukkottai. The said suit was filed by the respondents / plaintiffs for partition and the said suit was decreed on 24.09.1991, as against which the original first defendant preferred appeal before the lower appellate Court in A.S.No.651 of 1992, before this Court. The said appeal was dismissed on 24.06.2022. As against the same, the petitioners herein filed a Review Petition under Section 114 and Order 47 Rule 1 of CPC and the same is pending adjudication. In the meanwhile, the deceased respondents 1 to 5 filed I.A.No. 685 of 2022, for passing a final decree for which the deceased petitioners filed a



counter, specifically stating that as against the dismissal of appeal, they have preferred a review petition and unless this review petition is disposed of, the trial Court cannot entertain the execution proceedings. Despite the same, the said I.A. came to be allowed on 10.07.2025. Challenging the same, the present Civil Revision petition has been filed.

3.Since no adverse orders are passed, notice to the respondents is dispensed with.

4.The facts in the present case are not in dispute. Admittedly, the respondents / plaintiffs filed a partition suit and the same was decreed on 24.09.1991, as against which the first defendant / petitioner preferred appeal in A.S.No.651 of 1992. The same was dismissed on 24.06.2022. As against the dismissal order in the appeal, the petitioners herein filed a review petition and the same is pending. Meanwhile, the deceased respondents 1 to 5 filed I.A.No.685 of 2022, for passing a final decree. Unless there is a restraint order for passing the final decree, there is no prohibition for the trial Court for entertaining the I.A. for passing final decree. As against the order in the I.A., appeal remedy is available. Instead of exhausting the appeal remedy, the petitioner herein have come before this Court with the present Civil Revision



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Petition, which is not maintainable. Hence, this Court does not find any error in the order passed by the trial Court warranting interference.

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

1.The Principal Sub Court,
Pudukkottai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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