



C.R.P.(MD)No.2163 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2163 of 2025

and

C.M.P.(MD).No.12698 of 2025

Alagumathi

...Petitioner

Vs.

Periyasuruli (died)

1.Selvam

2.Arasammal

3.Arasaiya

4.Sellarasu

5.Arasamuthu

6.Maharajan

7.The Executive Officer,
Pannaipuram Town Panchayat,
Uthamapalayam Taluk,
Theni District.



C.R.P.(MD)No.2163 of 2025

8. The Tahsildar,
O/o, Tahsildar's Office,
Uthamapalayam Taluk,
Theni District.

9. The District Collector,
Theni.

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the order dated 02.06.2025 made in EP.No.21 of 2022 in O.S.No.64 of 2017 on the file of the District Munsif Court, Bodinayakkanur and allow the Civil Revision Petition.

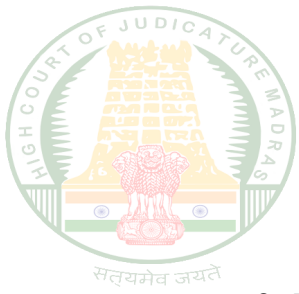
For Petitioner : Mr.R.Suriya Narayanan

For R-1 to R-6 : Mr.A.Ganesan

For R-8 & R-9 : Mr.B.Saravanan,
Additional Government Pleader

ORDER

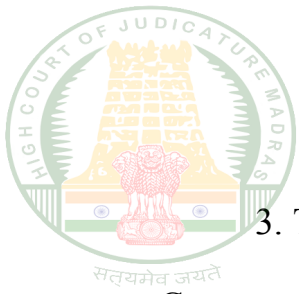
This petition has been filed seeking to set aside the order dated 02.06.2025 made in E.P.No.21 of 2022 in O.S.No.64 of 2017 on the file of the District Munsif Court, Bodinayakkanur.



C.R.P.(MD)No.2163 of 2025

WEB COPY

2. The respondent Nos.1 to 6 are the legal heirs of the plaintiff in O.S.No. 64 of 2017. The said suit was filed seeking declaration and mandatory injunction on the file of the District Munsif Court, Bodinayakanur, against the petitioner and respondent Nos.7 to 9. The said suit was decreed on 20.04.2022 in favour of the plaintiff. Challenging the same, the petitioner filed an appeal on 22.06.2022 before the Sub Court, Uthamapalayam in time and the same came to be returned on 27.06.2022. Thereafter, due to bifurcation of the trial Court, there was confusion with regard to the maintainability of the appeal before the Sub Court, Uthamapalayam. Thereafter, the petitioner / first defendant filed an interlocutory application in I.A.No.10 of 2023 in unnumbered A.S.No.../2022 with a delay of 139 days in representation of the said First Appeal. In the meantime, the plaintiff died and the First Appellate Court directed the petitioner / first defendant to take appropriate steps for impleading them in the appeal. The First Appellate Court dismissed the said petition on the ground that the petitioner had not taken any steps to implead the legal heirs of the deceased plaintiff Periyasuruli. In the meantime, respondent Nos.1 to 6 herein filed E.P.No.21 of 2022 before the trial Court and delivery was passed by the trial Court.



C.R.P.(MD)No.2163 of 2025

3. The learned counsel appearing for the petitioner would submit that this Court may grant four weeks time to defer the Execution Proceedings.

4. The learned counsel appearing for the respondents would submit that the plaintiff died in the year 2024. However, the petitioner has not taken any steps to implead the legal heirs of the deceased Periyasuruli. Hence, the fair and decreetal order passed by the lower Appellate Court need not be interfered with.

5. In view of the above, this Court permits the petitioner to file an appropriate petition before the lower Appellate Court to restore the appeal and the trial Court is directed to defer the Execution Proceedings. The petitioner is directed to take steps to restore the appeal. If the petitioner has not taken any steps to restore the appeal within a period of four weeks, the trial Court is directed to implement the Execution Proceedings.

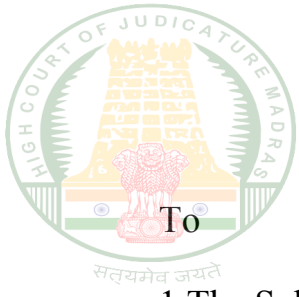
6. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.08.2025

Internet: Yes/No

Index: Yes/No

TSG



C.R.P.(MD)No.2163 of 2025

To

- 1.The Sub Court, Uthamapalayam.
- 2.The District Munsif Court, Bodinayakannur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.2163 of 2025

M.DHANDAPANI, J.

TSG

C.R.P.(MD)No.2163 of 2025

19.08.2025