



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2304 of 2025

and

C.M.P.(MD).No.13798 of 2025

Smt.S.Revathi

...Petitioner

Vs.

Smt.Krishnabai (died)

1.S.Sudhakaran

2.S.Premkumar

...Respondents

PRAYER: Civil Revision Petition is filed under section 115 of CPC to set aside the impugned order dated 04.06.2025 passed by the learned Principal District Judge, Dindigul in I.A. No.6 of 2025 in O.S. No 309 of 2020.

For Petitioner

: Ms.S.Valarmathi
for Mr.I.Romeo Roy Alfred

ORDER

This petition has been filed seeking to set aside the impugned order dated 04.06.2025 passed by the learned Principal District Judge, Dindigul in I.A. No.6 of 2025 in O.S. No 309 of 2020.



2. The learned counsel appearing for the petitioner would submit that the petitioner herein filed a suit in O.S.No.309 of 2020 before the learned Principal District Judge, Dindigul, seeking recovery of money from the respondents.

Pending the suit, the respondents filed I.A.No.6 of 2024 seeking return of the document. He would further submit that the suit as well as the said interlocutory application were disposed of by directing the respondents to deposit a sum of Rs.40,00,000/- to the petitioner. However, the Court declined to award interest to the petitioner and, by allowing the interlocutory application filed by the respondents, directed the return of the original document to them. He would further submit that the petitioner has already preferred an appeal before this Court and the same is pending at the SR stage.

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

4. It is seen that the suit itself has been disposed of by the learned Principal District Judge, Dindigul, by directing the respondents to deposit a sum of Rs.40,00,000/-. As against the said judgment and decree, the petitioner has already preferred a First Appeal before this Court, which is pending consideration at the SR stage. Once the main judgment and decree is under challenge in appeal, it is always open to the petitioner to raise all objections, including the question relating to interest and return of documents, before the



appellate forum. This Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India, cannot sit in appeal over the judgment and decree of the trial Court, particularly when the very same issues are already the subject matter of an appeal filed by the petitioner.

5. Accordingly, this Civil Revision Petition stands dismissed. Liberty is granted to the petitioner to raise all defences in the pending First Appeal. No costs. Consequently, the connected miscellaneous petition is closed.

22.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Principal District Court, Dindigul.

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



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M.DHANDAPANI, J.

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