



WEB COPY

C.M.P.(MD)No.14105 of 2

C.R.P.(MD)No.SR16803 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.M.P.(MD)No.14105 of 2025

in

C.R.P.(MD)No.SR16803 of 2025

Murugan

...Petitioner

Vs.

1.Kalimuthu

2.Ramalingam

3.Lekshmanan

4.Chokkalingam

...Respondents

PRAYER in C.M.P.(MD)No.14105 of 2025: Civil Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code, praying to grant leave for filing Civil Revision Petition against the fair and decreetal order passed in I.A.No.1 of 2019 in O.S.No.82 of 2015, on the file of District Munsif, Devakottai, dated 14.02.2020.

PRAYER in C.R.P.(MD)No. SR16803 of 2025: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to call for the records



relating to the fair and decreetal order in I.A.No.1 of 2019 in O.S.No.82 of 2015 passed by the District Munsif Court, Devakottai dated 14.02.2020 and set aside the same by allowing the Civil Revision Petition.

For Petitioner : Mr.K.P.Narayanakumar

ORDER

This Civil Miscellaneous Petition has been filed seeking to grant leave for filing Civil Revision Petition against the fair and decreetal order passed in I.A.No.1 of 2019 in O.S.No.82 of 2015, on the file of District Munsif, Devakottai, dated 14.02.2020.

2.The Civil Revision Petition has been filed seeking to quash the order passed in I.A.No.1 of 2019 in O.S.No.82 of 2015, on the file of the District Munsif Court, Devakottai dated 14.02.2020.

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

4.Learned Counsel for the petitioner would submit that the petitioner's vendor namely Kalimuthu, had filed a suit for declaration and permanent injunction in O.S.No.82 of 2015 on the file of the learned District Munsif,



C.M.P.(MD)No.14105 of 2

C.R.P.(MD)No.SR16803 of 2025

Devakottai, for declaration and injunction and the said suit was dismissed for default on 07.02.2018. However, the petitioner's vendor has not taken effective steps to restore the suit. Subsequently, the petitioner purchased the property on 19.12.2018. Thereafter, he came to know that the suit was dismissed of default. Later, the petitioner's vendor filed a restoration petition in I.A.No.1 of 2019 in O.S.No.82 of 2015 and the same was dismissed on 14.02.2020. Challenging the same, the present Civil Revision Petition has been filed, with a petition to grant leave.

5.Learned Counsel for the petitioner would submit that the petitioner was not aware of the suit filed by the petitioner's vendor and he came to know about the same only after purchase. However, unless the suit is restored, he will be put to irreparable loss.

6.Admittedly, the petitioner purchased the property after the dismissal of the suit in O.S.No.82 of 2015 on 19.12.2018 and hence, he is not an aggrieved party. The suit has been filed by the vendor of the petitioner. Thereafter, he alienated the property. The petitioner is not a party in the suit and he purchased the property only after dismissal of the suit. For restoration of the suit by the petitioner's vendor, the petitioner has filed the present Civil Revision Petition with a grant leave petition in C.M.P.(MD)No.14105 of 2025. Since the



C.M.P.(MD)No.14105 of 2

C.R.P.(MD)No.SR16803 of 2025

petitioner is a stranger to O.S.No.82 of 2015, at the time of dismissal, the petitioner is not a necessary party to get the suit restored and to contest the same.

7.Accordingly, this Civil Miscellaneous Petition stands dismissed. There shall be no order as to costs. Consequently, the main Civil Revision Petition is also dismissed at the SR stage itself.

26.08.2025

Internet:Yes/No

Index:Yes/No

MR



WEB COPY

C.M.P.(MD)No.14105 of 2



C.R.P.(MD)No.SR16803 of 2025

To

1.The District Munsif,
Devakottai.

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



WEB COPY



C.M.P.(MD)No.14105 of 2

C.R.P.(MD)No.SR16803 of 2025

M.DHANDAPANI, J.

MR

C.M.P.(MD)No.14105 of 2025

in

C.R.P.(MD)No.SR16803 of 2025