



CRP(MD). No.2459 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/09/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2459 of 2025
in
CRP(MD)No.2459 of 2025

1. Revathi,

2. Kavitha,

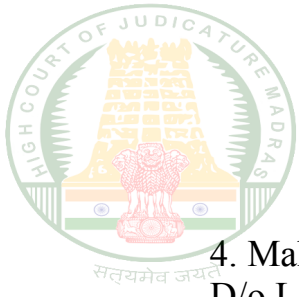
... Petitioners / Plaintiffs

Vs

1. Aalappan,
S/o.Late.Palanisamy,
Lakshmananpatti,
Agaram Village,
Kalanampatti Post,
Dindigul West Taluk,
Dindigul District.

2. Lakshmi Papathi,
W/o.Late.Permal,
Door No.413 F, Malar Colony,
West Anna Nagar,
Chennai.

3. Chandru,
S/o.Late.Perumal,
Door No.413 F, Malar Colony,
West Anna Nagar,
Chennai.



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4. Mahalakshmi,
D/o.Late. Permal,
Door No.413 F,
Malar Colony, West Anna Nagar,
Chennai.

5. Lakshmana Gouder,
S/o.Late.Perumal Gouder,
Lakshmananpatti,
Kalanampatti Post,
Agaram Villge, Dindigul Taluk,
Dindigul District.

6. Venkatraman,
S/o.Lakshmana Gouder,
Near to Kulathupatti High School,
Kulathupatti Post, Vendasandur Taluk,
Dindigul District.

7. Thimmayammal,
W/o.Muthuvel,
D/o.Lakshman Gouder,
Lakshmananpatti, Kalnampatti Post,
Agaram Villge, Dindigul Taluk,
Dinidigul District.

8. Muthulakshmi,
W/o.Aalappan,
Puthu Thottam, Lakshmananpatti,
Kalanampatti Post, Agaram Village,
Dindigul West Taluk,
Dindigul District.

... Respondents / Defendants

PRAYER :-

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Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.02.2025 made I.A.No.3 of 2024 in O.S.No.130 of 2012 on the file of the Additional Sub Court, Dindigul and allow this Civil Revision Petition.

For Petitioners : Mr.G.Gomathisankar,
Advocate.

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 04.02.2025 made I.A.No.3 of 2024 in O.S.No.130 of 2012 on the file of the Additional Sub Court, Dindigul.

2. Learned counsel for the petitioners would submit that the petitioners had instituted a suit for partition of the suit property. One of the suit property was attempted to be sold by the father of the petitioners along with respondents 3 and 4 who were minors at the stage. The sale agreement was not proceeded and the intending vendor had refunded the part sale consideration by deposit with the Canara Bank, Thadikombu Branch which had been withdrawn by the respondents 3 and 4.

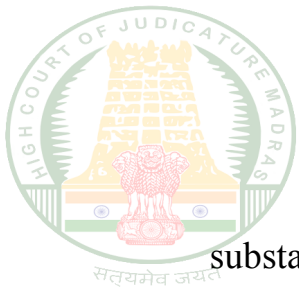


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Therefore, he would submit that the respondents 3 and 4 had already been benefited with the share by way of refund of the value of the suit property, in which, the petitioners are also having share. In such an event it had become necessitated to file a petition to issue subpoena to the Branch Manager, Canara Bank, Thadikombu Branch. However, on erroneous consideration of the facts and without considering the above said factors, the trial Court had dismissed the petition. Hence he seeks to set aside the order passed by the Court and to issue Subpoena to the witness.

3. This Court has considered the submissions made by the learned counsel for the petitioners.

4. Admittedly, the petitioners had filed a suit for partition as against the respondents. The Court below has categorically held that the petitioners had not elicited anything on the record to the averments made in the application during the cross examination of respondents 3 and 4. It is not the case of the petitioners that such elicitation had been made and only on that strength, the application had been taken to further



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substantiate their case. The petitioners had also not filed any documents substantiating that there was a deposit in the name of respondents 3 and 4, nor as they produced any documents of withdrawal by the respondents 3 and 4. As rightly held by the Court below, having failed to elicit anything during cross examination of respondents 3 and 4, the attempt made by the petitioners seem to only to protract the proceedings initiated by them as early as in the year 2012.

5. For the aforesaid reasons, this Civil Revision Petition fails and accordingly dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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K.KUMARESH BABU, J.



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To

- 1.The Additional Sub Court, Dindigul.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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Date : 10/09/2025