



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

WEB COPY

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CMP(MD) No.15033 of 2025
in
Rev.Aplc(MD) Sr.No.71444 of 2025
in
C.R.P.(MD).No.1989 of 2025

Alagarsamy @ Chandrasekar

... Petitioner

Vs

1.Alagulakshmi

Subbulakshmi (Died)

2.Karuppasami

3.Sunmugalakshmi

4.Paulraj

5.Pon Valliyammal

... Respondents

PRAYER : Petition filed under Section 151 of Civil Procedure Code to grant leave to the Petitioner to file the petitioner to review the order dated 25.07.2025 passed in C.R.P.(MD) No.1989 of 2025.

For Petitioner : G.Karuppasamy
for Mr.D.Srinivasaragavan



ORDER

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The Civil Miscellaneous Petition has been filed seeking to grant leave to file the petition to review the order passed by this Court in CRP(MD)No.1989 of 2025 dated 25.07.2025.

2. Learned counsel for the petitioner submitted that the suit for partition was filed by the 1st respondent in O.S.No.540 of 2004 on the file of the Principal District Munsif, Tuticorin in which, an ex-parte decree came to be passed. Thereafter, the execution petition was filed by the 1st respondent in E.P.No.123 of 2017 for execution of the aofresaid decree wherein, the petitioner herein was not arrayed as a party. Subsequently, though the petitioner filed a claim petition in E.A.No.288 of 2018 in E.P.No.123 of 2017 seeking declaration of the suit properties the same was dismissed. As against the said dismissal, the petitioner preferred a Revision Petition in CRP(MD)No.2033 of 2024 which was also dismissed with liberty to file an appeal. Immediately thereafter, the petitioner preferred an appeal along with a petition to condone the delay in E.A.No.2 of 2025 which is still pending consideration.



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3. It is the further submission of the learned counsel that, having suppressed the aforesaid facts, the 1st respondent who was a party to all the above proceedings, obtained an order from this Court in CRP(MD)No.1989 of 2025 without impleading the petitioner herein as a party to the revision petition seeking disposal of the execution petition wherein this Court had issued a direction to dispose of the execution petition within a period of three months which is wholly unsustainable. Accordingly, he prayed for allowing this Writ Petition.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. Admittedly, the petitioner was not a party to the original suit however, he is a party to the execution proceedings. This Court had merely issued a direction to dispose of the execution petition within a period of three months which will not in any manner prejudice the rights of the petitioner unless he obtains an interim order from the appellate court for restraining the execution proceedings. Hence, the prayer sought for this petition cannot be granted.



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M.DHANDAPANI, J

Nhs

6. With the above clarification, the Civil Miscellaneous Petition stands dismissed.

29.10.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

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