



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.3 of 2024

and

C.M.P(MD)Nos.22, 23 & 26 of 2024

- 1.Periya Eswaran
- 2.Chinna Eswaran
- 3.Pandian
- 4.Chidambaram
- 5.Ganapathi
- 6.Mutheeswari
- 7.Subramanian
- 8.Chidambaran
- 9.Kalirajan
- 10.Veneeswaran
- 11.Dharmaraj
- 12.Eshwari
- 13.Suthanthiram
- 14.Thageswaran
- 15.Murugan
- 16.Santhana Pandian
- 17.Durairaj

...Petitioners/Petitioners

Vs.

- 1.C.Subbuthai
 - 2.C.Eshwaran
 - 3.C.Ramaraj
 - 4.C.Karuppasamy
 - 5.C.Muthuramu
 - 6.Minor. Bhavani
 - 7.Minor. Siva Eshwaran
- (Minor Respondents 6 and 7 are rep. by their natural guardian and grand mother C.Subbuthai)*

8.C.Murugan

...Respondents/Respondents



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, pleaded to suspend the operation of the preliminary decree, dated 08.10.2024 passed in O.S.No.69 of 2014 and the final decree, dated 12.12.2015 passed in I.A.No.522 of 2014, and all the other execution proceedings in E.P.No.10 of 2015, E.P.No.11 of 2015 on the file of Principal District Court, Virudhunagar District at Srivilliputhur.

For Petitioners : M/s.P.Malini

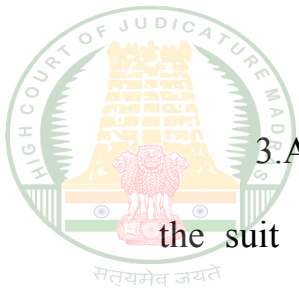
For Respondents : No appearance

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ORDER

A third party to O.S.No.69 of 2014, on the file of the Principal District Court, Virudhunagar at Srivilliputhur, has filed the present revision petition to suspend the preliminary decree, dated 08.10.2024, and the final decree, dated 12.02.2015 passed in I.A.No.522 of 2014 and the execution proceedings in E.P.Nos.10 & 11 of 2015 on the file of the Principal District Court, Virudhunagar at Srivilliputhur.

2.According to the learned Counsel appearing for the revision petitioners, the suit is for partition and it is a collusive suit and therefore, the present prayer has been sought for to suspend the preliminary decree and a final decree and the orders passed in the execution proceedings.



3. According to the learned Counsel appearing for the revision petitioners the suit schedule property in O.S.No.69 of 2014, is the subject matter of O.S.No.202 of 2012, O.S.No.232 of 2013 and O.S.No.16 of 2014, pending on the file of the District Munsif Court, Virudhunagar at Srivilliputhur. It is further submitted that only when the decree holders in O.S.No.69 of 2014, filed impleading application in these suit, the present revision petitioners came to know about the proceedings in O.S.No.69 of 2014. According to the learned Counsel appearing for the revision petitioners, the plaintiffs in O.S.No.69 of 2014, on the strength of the collusive suit and the decree obtained therein are attempting to make a claim in O.S.No.202 of 2012, O.S.No.232 of 2013 and O.S.No.16 of 2014. Hence the present revision petition has been filed to suspend the decree passed in O.S.No.69 of 2014.

4. The learned Counsel appearing for the revision petitioners, on instructions, submits that the plaintiffs in O.S.No.202 of 2012, O.S.No.232 of 2013 and O.S.No.16 of 2014 have already filed application to amend the prayers, so as to incorporate the prayer to declare the judgment and decree in O.S.No.69 of 2014 is not binding upon the respective plaintiffs and the amendment application has also been allowed by the Court.

5. When the validity of the decree in O.S.No.69 of 2014 has already been put to challenge in all the three suits, the question of suspending the judgment



and decree in the present revision petition would not arise. Therefore, this Court is not inclined to entertain the present revision petition. The revision petitioners are at liberty to raise all the pleas before the pending suits with regard to validity of judgment and decree and the execution proceedings in O.S.No.69 of 2014.

6. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

10.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Principal District Judge,
Virudhunagar District at Srivilliputhur.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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