



C.R.P.(MD)No.2010 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2010 of 2025
and
C.M.P(MD)No.11675 of 2025

Logathilagar

... Petitioner

Vs.

1.Bharatha
2.Krishnaveni

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the fair and decretal order dated 29.07.2024 passed by the learned Principal Subordinate Judge, Tenkasi in E.P.No.192 of 2023 in O.S.No.58 of 2005 and set aside the same.

For Petitioner : Mr.K.Navaneetharaja

ORDER

This Civil Revision Petition is filed seeking to set aside the fair and decretal order dated 29.07.2024 passed in E.P.No.192 of 2023 in O.S.No.58 of 2005 on the file of the Principal Principal Sub-Court, Tenkasi.

2. The case of the petitioner is that the respondents filed a suit in O.S.No. 58 of 2005, on the file of the Principal Sub-Court, Tenkasi against the petitioner



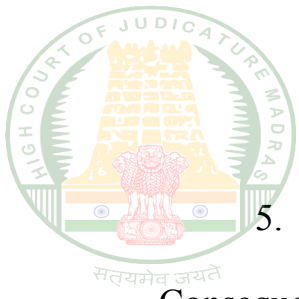
for partition. In the said suit, preliminary decree was passed on 23.12.2009 as the respondents are entitled for 2/3 shares of the 1 to 4 items of the suit mentioned properties and they are entitled 1/6 share in the fifth item of the suit mentioned properties. Aggrieved by the said judgment and decree, the petitioner filed an appeal in A.S.No.60 of 2010, on the file of the I Additional District Court, Tirunelveli and the same was dismissed on 12.04.2013. Aggrieved against the dismissal, the petitioner preferred a second appeal before this Court in S.A(MD)No.458 of 2013 and the said second appeal was also dismissed on 22.03.2018. Thereafter, the respondents/plaintiffs filed final decree application in I.A.No.1 of 2019 before the learned Principal Subordinate Court, Tenkasi and without proper appreciation, the same was allowed on 20.06.2023. Aggrieved against the final decree proceedings, the petitioner preferred an un-numbered A.S.No. of 2024 before the Principal District Court, Tenkasi. In the meantime, the respondents filed an execution petition before the Principal Sub-Court, Tenkasi in E.P.No.192 of 2023 and the same was allowed on 29.07.2024. Challenging the same, the petitioner filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that though as against the final decree proceedings, the petitioner filed an appeal before the lower appellate Court with a delay, the delay application was not



disposed, in the meanwhile, the respondents/plaintiffs filed E.P.No.192 of 2023 and the same was ordered in favour of the respondents/plaintiffs then nothing survives before the lower appellate Court. The learned counsel for the petitioner prays that this Court may observe whatever the order in the E.P., is subject to the result of the unnumbered A.S.No. of 2024 and this Court also may direct the Principal District Court, Tenkasi to dispose the I.A.No.2 of 2025 in unnumbered A.S.No. 2024.

4. Considering the facts and circumstances of the case and also considering the fact that in the absence of any restrained order, the trial Court rightly proceeded the E.P.192 of 2023 and the same cannot be interfered with and the delivery order as per the final decree proceedings through E.P.No.192 of 2023 and subsequent proceedings is subject to the result of the appeal. The learned Judge exercised his power conferred on him and there is no illegality or irregularity warranting interference by this Court. The learned Principal District Judge, Tenkasi is directed to dispose the condone delay petition filed by the petitioner in I.A.No.2 of 2025 in unnumbered A.S.No. 2024 as expeditiously as possible in accordance with law.



C.R.P.(MD)No.2010 of 2025

5. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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28.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Principal Sub-Court,
Tenkasi.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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