



CRP(MD). No.3106 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.3106 of 2025
and
CMP(MD)No.17384 of 2025**

1.Sangeetha

2.Sathishkumar

... Petitioner

Vs.

Murugesen (Died)

1.Malarkodi

2.Muthumeenakshi

3.Minor Veeramanikandan

(through his mother and guardian 1st respondent)

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India, seeking to set aside the order dated 18.09.2025 in I.A.No.10 of 2024 in I.A.No.168 of 2018 in O.S.No.12 of 2005 on the file of the learned Principal District Court, Sivagangai, Sivagangai District pending disposal of the above Civil Revision Petition.

For Petitioner : Mr.C.Suresh Kannan



CRP(MD), No.3106 of 2025

ORDER

WEB COPY

This Civil Revision Petition had been filed seeking to set aside the order dated 18.09.2025 in I.A.No.10 of 2024 in I.A.No.168 of 2018 in O.S.No.12 of 2005 on the file of the learned Principal District Court, Sivagangai, Sivagangai District pending disposal of the above Civil Revision Petition.

2. Heard Mr.C.Suresh Kumar, learned counsel appearing for the petitioner.

3.The learned counsel for the petitioners would submit that the predecessor in interest i.e., the respondents 1 to 3, the mother of the petitioners, the fourth and the fifth respondents are brothers and sisters. The predecessor in interest of respondents 1 to 3 had instituted a suit against the respondents 4 & 5 and the mother of the petitioners for a partition which was originally dismissed and in an appeal suit, a preliminary decree as prayed for was granted. Thereafter, a final decree application was filed and pending the final decree application, the plaintiff



CRP(MD). No.3106 of 2025

had died and the respondents 1 to 3 were brought in as legal heirs of the deceased plaintiff. It had come to the knowledge of the petitioners that while granting the preliminary decree in the appeal suit, the Provisions of Section 3 of the Hindu Succession Amendment Act 2005 was not considered. Hence, an application had been filed before the Court below to reopen the preliminary decree of partition and to modify the shares of the parties equally in line with the Amendment Act. Without considering the same, the Court below had dismissed the petition.

3. He would submit that the mother of the petitioner and the fifth respondent are entitled to equal share along with the plaintiff and the fourth respondent. If the final decree application is proceeded on the basis of the preliminary decree, it would cause severe injustice to the petitioners. Therefore, seeks indulgence of this Court.

4. I have considered the submissions made by the learned counsel for the petitioners and perused the materials available on record.



CRP(MD), No.3106 of 2025

5. Admittedly, the original suit as filed has been dismissed and in the appeal suit a preliminary decree had been made. The attempt made by the petitioners to reopen the preliminary decree is attempting to review an order passed by the Appellate Court. Therefore, the petition filed by the petitioners under Section 151 CPC is not maintainable as rightly held by the Court below.

6. In such view of the matter this Court do not finds any merits in the Revision Petition and accordingly, the Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

29.10.2025

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



CRP(MD), No.3106 of 2025

To
WEB COPY

1. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
2. Principal District Court, Sivagangai,



WEB COPY



CRP(MD). No.3106 of 2025

K.KUMARESH BABU,J.

Gba

**CRP(MD). No.3106 of 2025
and
CMP(MD)No.17384 of 2025**

29.10.2025