



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2151 of 2026

AND

CMP NO. 9412 OF 2026

1. Kannammal
W/O. Nagaraj,
D.No.415, Vinnapalli Village,
Sathyamangalam Taluk,
Erode District.
2. Vijayalakshmi
D/o Late Nataraj,
Muthuchettipalayam 1st Street,
Avinashi Taluk,
Tiruppur District
3. Santhoshi
W/o Late Thirumoorthi,
D.No.40, Majara Sanarpathi,
Vinnappalli Village
Sathyamangalam Taluk,
Erode District
4. Haritha
D/o Late Thirumoorthi,
D.No.14/15A, Rajaji Veedhi,
Avinashi Taluk and Town,
Tiruppur District
5. Harini
D/o Late Thirumoorthi,
D.No.40, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District



6. Minor Harthesh
S/o Late Thirumoorthi
Minor rep by his Guardian,
Next friend and mother Santhoshi
(3rd Petitioner Herein)
D.No.40, Sanarpathi Majara
Vinnappalli Village,
Sathyamangalam Taluk,
Erode District

..Petitioner(s)

Vs

Kamalam (Died)

1. Rangammal
W/O. Devaraj,
D.No.327, TNHB Colony,
Singanallur, Coimbatore District.

2. Bagyalakshmi
W/o Ponnusamy,
D.No.585, Ambothi Village,
Ambothi Post, Annur Taluk,
Coimbatore District

Nataraj (Dead)

Palanisamy (Dead)

3. Krishnasamy
S/o Late Subramaniam
D.No.40, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District

4. Krishnaveni
W/o Late Murugesan
D.No.40, Sanarpathi, Majra,
Vinnappalli Village, Sathyamangalam Taluk
Erode District



5. Rajasekaran

S/o Late Murugesan
Kittian Thottam, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District

6. Yuvarani

D/o Late Murugesan
Kittian Thottam, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District

7. Lakshmi

W/o Mani
27, Appas Nagar, Rangasamuthram,
Sathyamangalam Taluk
Erode District

8. Rukmani

W/o Late Nallathambi,
27B, Rangasamuthram,
Sathyamangalam Taluk
Erode District

9. Kamala

W/o Palanisamy
D.No.40, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District

10. Vimala

W/o Late Palanisamy
D.No.40, Sanarpathi, Majra,
Vinnappalli Village,
Sathyamangalam Taluk
Erode District

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Sec.115 of C.P.C., praying to allow the above Civil Revision Petition by setting aside the fair and decreetal order dated 28.11.2025 passed in IA.No.11 of 2025 in OS.No.168 of 2014 on the file of the III Additional District Court, Erode at Gobichettipalayam.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.Ramaswamy Meyyappan
for Mr.J.Franklin for R1 and R2

R3- Deceased

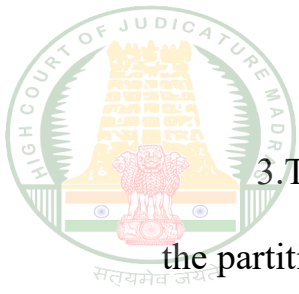
R4 to R7, R9 and R10 - No appearance

R8-Insufficient Address

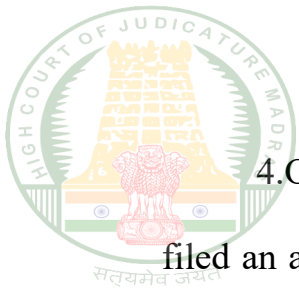
ORDER

Aggrieved over the order passed in I.A.No.11 of 2025 in O.S.No.168 of 2014 by the III Additional District Judge, Erode @ Gobichettipalayam, the Revision Petitioners/Defendants 11 to 15 have preferred this Civil Revision Petition.

2.Before the trial court, they have filed the application in I.A.No.11 of 2025 praying to stay entire proceedings till the disposal of the suit in O.S.No.168 of 2014 pending before the District Court, Erode. The said application was dismissed by the trial judge. Challenging the said findings, this Civil Revision Petition has been preferred.



3. The learned counsel for Revision Petitioner would submit that already the partition was effected among the family members prior to the Amended Act, 2005 and obtained a preliminary decree. But, suppressing the same, the same family members have filed the suit in O.S.No.168 of 2014 before the District Court, Erode @ Gobichettipalayam and obtained exparte decree. Thereafter, they have filed the application to set aside the exparte decree in I.A.No.1 of 2019 after coming to know about the suit proceedings. But, the trial court had dismissed the application. So, to work out their remedy, they have filed a separate suit in O.S.No.619 of 2025 before the Principal District Judge, Erode, wherein they have challenged the entire decree passed in O.S.No.168 of 2014 and in that suit, summons was also served on the defendants. In the meanwhile, the respondents have attempted to execute the final decree based on the preliminary decree passed in O.S.No.168 of 2014. Thereafter, they have filed an application to stay the further proceedings in I.A.No.139 of 2017 till the disposal of the suit in O.S.No.619 of 2015, but the same was dismissed. Furthermore, the learned counsel would submit that if the final decree is implemented, then it will lead to multiplicity of proceedings. Therefore, they wanted to stay the proceedings, but the trial court has not given opportunity and erroneously dismissed the application. Aggrieved over that, this Civil Revision Petition has been preferred.



4. On perusal of records, the fact reveals that the Revision Petitioners have filed an application in I.A.No.1 of 2019 in O.S.No.168 of 2014 to set aside the ex parte decree and the same was dismissed. Against which, they have preferred the Civil Revision Petition in C.R.P.No.2171 of 2021 and the same was also dismissed. So, as on date, the preliminary decree passed in O.S.No.168 of 2014 is confirmed. Therefore, the trial judge has rightly dismissed the application filed in I.A.No.11 of 2025 in O.S.No.168 of 2014 as such is not maintainable. However, on seeing the facts, the Revision Petitioners have filed a separate suit in O.S.No.619 of 2025. If they wanted to avail their remedy, they have to work out their remedy in that suit and not in the suit in O.S.No.618 of 2014, wherein the preliminary decree has been confirmed. Therefore, I do not find any irregularity in the order passed by the trial judge in I.A.No.11 of 2025 in O.S.No.168 of 2014 and the order passed in I.A.No.11 of 2025 in O.S.No.168 of 2014 is confirmed. Accordingly, this Civil Revision Petition is dismissed as no merit. No costs. Consequently, connected civil miscellaneous petition is closed.

15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP

To
The III Additional District Judge, Erode @ Gobichettipalayam.



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CRP No. 2151 of 2



T.V.THAMILSELVI J.

RPP

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