



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1594 of 2020

and

C.M.P.No.9697 of 2020

Sekar

..Petitioner(s)

Vs

Amaravathi Ammal(died)

1. K.Dhanabaggiyammal
2. R.Amsaveni
3. K.Nagarajan
4. K.Arularasan

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 27.01.2020 made in I.A.No.16 of 2019 in OS.No.3 of 2019 on the Special Subordinate Judge for LAOP. cases, Vellore District.



For Petitioner(s):

Mr.N.Krishnakumar

For M/s.Sarvabhauman Associates

For Respondent(s):

No appearance

ORDER

The present Civil Revision Petition has been filed to set aside the fair and decreetal order dated 27.01.2020 made in I.A.No.16 of 2019 in OS.No.3 of 2019 on the Special Subordinate Judge for LAOP. cases, Vellore District.

2. Heard Mr.N.Krishnakumar, learned counsel for the petitioner.

3. In spite of notice having been served on respondents 1 and 2 and their names also having been printed in the cause list today, there is no representation on the side of the respondents 1 and 2.

4. In spite of notice having been served and a learned counsel, who had also entered appearance on behalf of respondents 3 and 4, there is no representation on the side of the respondents 3 and 4 either in person or through a counsel.



5. This revision petition has been filed, seeking to set aside the *ex parte* decree that had been made against the petitioner in a Partition suit. The petitioner, who had been arrayed as 7th defendant, claims to have purchased the suit property from the 4th defendant in the suit to an extent of 26 cents.

6. It is also brought to the notice that a preliminary decree had been passed, entitling the parties to 1/6th share each. The suit relates to various Survey Numbers at Thellur village at Vellore District. Even assuming that as per the 1/6th share that was available to the plaintiffs and the defendants 2 to 4, the fourth defendant sold 26 cents to the petitioner.

7. In such an event, in respect of *ex parte* preliminary decree passed, this Court is of the view that the petitioner can be permitted to agitate the final decree proceedings and take out necessary application to allot the extent of land that had been sold by the 4th defendant in his favour from and out of his share.

8. In such view of the matter, the Civil Revision Petition stands disposed of, with liberty to the petitioner to agitate his right to retain the said 26 cents, which has been sold by the 4th defendant from and out of the share in the suit schedule properties.



9. No costs. Consequently, connected miscellaneous petition is closed.

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12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Special Subordinate Judge for LAOP. cases,

Vellore District.



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K.KUMARESH BABU, J.

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