



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3052 of 2026

AND

CMP NO. 12950 OF 2026

1. Seetharaman

Petitioner(s)

Vs

1. Muthukumaran

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 27.03.2026 made in I.A.No.58 of 2026 in O.S.No.62 of 2024 passed by the I Additional District Munsif Court, Tirukoilur.

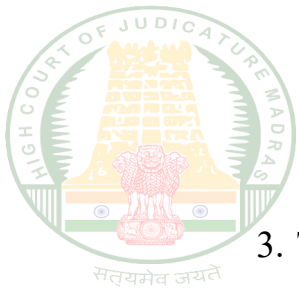
For Petitioner(s): Mr.P.Dinesh Kumar

For Respondent(s): Notice dispensed with

ORDER

This civil revision petition has been filed, challenging the order dated 27.03.2026 passed in I.A. No.58 of 2026 in O.S.No.62 of 2024 on the file of the I Additional District Munsif, Tirukoilur.

2. The aforesaid order was passed by the Trial Court, dismissing the petitioner's application filed under Section 10 of C.P.C., seeking stay of the suit in O.S. No.62 of 2024.



3. The aforesaid application was dismissed by the Trial Court by giving

the following reasons:

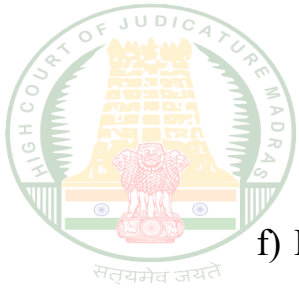
a) The earlier partition suit in O.S. No.64 of 2024 has already been disposed of on 27.11.2025;

b) The pendency of an appeal cannot be equated to pendency of a suit for the purpose of Section 10 C.P.C.;

c) Though it is true that an appeal is a continuation of the original proceedings, the language of Section 10 C.P.C. is clear and unambiguous in requiring pendency of a previously instituted suit and not an appeal;

d) Even assuming that the subject matter in both proceedings is similar, the nature of relief sought in the present suit is only for bare injunction based on possession, whereas the earlier suit was one for partition involving determination of titles and shares. The scope and issues involved in both proceedings are distinct and cannot be said to be directly and substantially identical in all respects;

e) The petitioner has not produced any material to show that the High Court had granted a blanket stay covering all the suit properties. On the contrary, the respondent has specifically contended that stay has been granted only in respect of a particular item. In the absence of any specific stay order from the appellate court, the decree of the trial court continues to operate and there is no legal impediment for proceeding with the present suit.



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f) It is a settled principle of law that inherent powers under Section 151 CPC cannot be invoked to override or circumvent express provisions of law. Moreover, in the present case, the petition has been filed subsequently, under Section 10 of C.P.C. and no pleadings or foundation has been laid for invoking Section 151 C.P.C..

4. Apart from the reasons stated supra, by the trial Court, this Court also finds that the application under Section 10 C.P.C. was filed by the petitioner only at a belated stage. In fact, pleadings were completed in the suit and after framing of issues, and only after commencement of the Trial, the petitioner thought it fit to file an application under Section 10 of C.P.C., seeking for stay of suit, which is not legally permissible.

5. For the foregoing reasons, this Court does not find any infirmity in the reasons given by the Trial Court for dismissing the application filed by the petitioner.

6. Accordingly, this civil revision petition is dismissed. No Costs. Consequently, connected writ miscellaneous petition is closed.

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Index: Yes/No

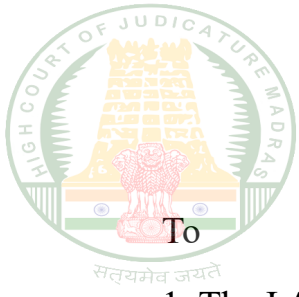
Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The I Additional District Munsif,
Tirukoilur.

2. The Section Officer, V.R. Section,
Madras High Court.



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ABDUL QUDDHOSE J.

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