



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 18.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. Nos.2622 and 2625 of 2025
and CMP. No.14839 & 14824 of 2025**

CRP. No.2622 of 2025

- 1.Duraisamy
- 2.Rathinasamy
- 3.Poornima Devi
- 4.Sathish Kumar

Petitioners

Vs

- 1.Muthulakshmi (died)
Valliammal (Died)
 - 2.Shantha @ Saraswathi
Velusamy (Died)
Nachammal (Died)
 - 3.P.T.Muthusamy
 - 4.Karunaiammal
 - 5.T.Arumugam
 - 6.Saraswathi
 - 7.Kandathal
 - 8.Chithara @ Gomathi
 - 9.P.Ravichandran
 - 10.P.Balakrishnan
Lakshmi (Died)
Valliammal (died)
 - 11.Sumathi
 - 12.M.Ramasamy
 - 13.Govindasamy
 - 14.Kowalya Kumar
 - 15.Eswaramoorthy
- (R12 to R15 are brought on record as
LRs of the deceased R1 Viz., Muthulakshmi
vide order dated 23.10.2025)

Respondents



PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 02.04.2025 made in I.A. No.2 of 2023 in O.S. No.189 of 1986 on the file of the learned Subordinate Judge of Palladam.

CRP. No.2625 of 2025

- 1.Duraisamy
- 2.Rathinasamy
- 3.Poornima Devi
- 4.Sathish Kumar

Petitioners

Vs

- 1.Karunaiammal
- 2.T.Arumugam
- 3.Kandathal
- 4.Chitra @ Gomathi
- 5.P.Ravichandran
- 6.P.Balakrishnan
- Muthulakshmi (Died)
- Valliammal (died)
- 7.Shantha @ Saraswathi
- Velusamy (died)
- Nachammal (Died)
- 8.P.T.Muthusamy
- 9.Saraswathi
- 10.Sumathi
- 11.M.Ramasamy
- 12.Govindasamy
- 13.Kowalyakumar
- 14.Eswaramoorthy

.... Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 02.04.2025 made in I.A. No.6 of 2024 in O.S. No.189 of 1986 on the file of the learned Subordinate Judge of Palladam.



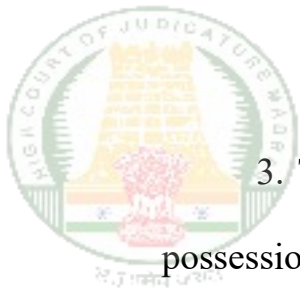
For Petitioners : Mr.Siddarth Sridhar
for M/s.R.Bharath Kumar in both cases

For Respondents : Mr.P.K.Rajagopal for R3 and R11
in CRP. No.2622 of 2025 and
R8, R10 & R14 in CRP. No.2625 of 2025
M/s.E.K.Kumaresan for R4 in
CRP. No.2622 of 2025 for
R1 in CRP. No.2625 of 2025
M/s.G.Ethirajulu for R2 in
CRP. No.2622 of 2025
and for R7 in CRP. No.2625 of 2025
R6- Unclaimed in CRP. No.2622 of 2025
R11 to 15, AOS not filed.
R2, R3, R4, R5, R6, R11, R12, R13
in CRP. No.2625 of 2025 - No appearance
R9- Unclaimed.

COMMON ORDER

The revision petitioners in both these revision petitions are the defendants 9 and 10 in O.S. No.189 of 1986 (CRP. No.2626 of 2025) and defendants 9, 10, 6 and 7, 14 to 17 in the suit (CRP. No.2622 of 2025).

2. I have heard Mr.Bharathkumar, learned counsel for the revision petitioners in both these revision and Mr.P.K.Rajagopal, learned counsel for the respondents 8, 10 and 14 in CRP. Nos.2625 of 2025 and respondents 3 and 11 in CRP. No.2622 of 2025, Mr.Ethirajulu, learned counsel for R7 in CRP. No.2625 of 2025 and R2 in CRP. No.2622 of 2025 and Mr.E.K.Kumaresan, learned counsel for R4 in CRP. No.2622 of 2025 and R1 in CRP. No.2625 of 2025.



3. The suit in O.S. No.189 of 1986 was filed for partition and separate possession. Preliminary decree has been passed and at the final decree stage, the petitioners filed applications in I.A. No.2 of 2023, which is the subject matter of challenge in the CRP. Nos.2622 of 2025 and I.A. No.6 of 2024, which is under challenge in CRP. No.2625 of 2025. I.A. No.2 of 2023 was filed by the plaintiff and now represented by the legal representatives, viz., respondents 12 to 15. I.A. No.6 of 2024 was filed by the defendants 6, 7 and 14 to 17, the respondents 1 to 6 in CRP. No.2625 of 2025.

4. I.A. No.2 of 2023 has been filed to appoint an Advocate Commissioner along with Taluk Surveyor to measure and divide the suit property as per the Preliminary Decree and similarly, I.A. No.6 of 2024 was filed for appointment of Advocate Commissioner along with surveyor to divide the suit properties as per the preliminary decree and supplementary preliminary decree. The Trial Court in and by a common order appointed an Advocate Commissioner to visit the suit property and demarcate the same with the assistance of the Taluk Surveyor and to file a detailed report.

5. The grounds of challenge to the common order in these revision petitions are that this Hon'ble Court, while disposing of Second Appeal Nos.1236 and 1237 of 2009, had specifically excluded an extent of 35 cents sold to one P.Balakrishnan by the first defendant and his sons, from the



entitlement of the plaintiff's 1/18th share in Item 1. However, the plaintiff had included the entire extents in the final decree application filed in I.A. No.2 of 2023 and without taking note of the same, the Court has appointed the Commissioner to inspect all the properties and without accounting for exclusions made in the judgment in Second Appeals, by judgment and decree dated 16.07.2021.

6. The learned counsel for the petitioners, Mr.Bharathkumar would contend that when this Court had specifically excluded the extent of 35 cents sold to one Balakrishnan, subject to the same being proved, it was not open to the first respondent/plaintiff or her legal heirs to claim entitlement of 1/18th share in the said extent of 35 cents by seeking allotment in the other properties. According to the learned counsel for the petitioners, that is not the interpretation that should be given to the judgment of this Court.

7. Per contra, Mr.P.K.Rajagopal, learned counsel for the legal representatives of the plaintiff as well Mr.G.Ethirajulu, learned counsel for the 7th respondent would state that the judgment in the Second Appeals is very clear with regard to the exclusion of 35 cents of lands which was sold to Balakrishnan and that it was only to protect the interest of the innocent purchasers and not to deprive the plaintiff or her legal heir or for that matters, the other sharers from their respective entitlements in the suit property. The learned counsel for the



respondents would therefore pray for the dismissal of these revision petitions and they seek a direction to the Trial Court to expedite the disposal of the final decree application, considering that the suit was filed way back in the year 1996. The learned counsel for the 4th respondent, Mr.E.K.Kumaresan, contends that the first respondent/plaintiff is no more. However, I find that the legal representatives are already impleaded and the grounds of the revision petition have also been amended accordingly.

8. The only short point that arises for consideration is with regard to the interpretation of the judgment of this Court in common judgment rendered in Second Appeal S.A. Nos.1236 and 1237 of 2009, this Court while modifying the preliminary decree in S.A. Nos.1236 and 1237 of 2009 by judgment dated 16.07.2021, at Paragraph 27.4 held as follows:

"27.4 Now, assuming that there was a sale in favour of Balakrishnan, with limitation overhanging the issue, this plot that is said to have been sold to him must be secured to him during final decree proceedings, and hence it must be allotted to the share of the contesting defendants. This can be done before the final decree is passed by the very Court that passes it. In other words, subject to proof of sale in favour of Balakrishnan, plaintiff's right to carve out her share in item 1 from and out of the plot said to have been sold to Balakrishnan should necessarily stand forfeited and foreclosed. This would preserve everyone's right. After all this litigation has commenced its journey some 36 years ago, and at this belated hour it may not befit this Court to plea helplessness when there is a duty on it to ensure that the right it has declared is not lost to the plaintiff on the solitary ground that a purchaser of a co-sharer is not impleaded."



9. The findings rendered by this Court are crystal clear and there is absolutely no difficulty with regard to its interpretation. This Court has held that the subject to proof of sale in favour of Balakrishnan, the said extent of 35 cents purchased by him should be excluded from the final decree proceedings and the said share should be allotted to the contesting defendants. When this Court has specifically held that the plot sold to Balakrishnan must be secured to him in the final decree proceedings and it should be allotted to the share of the contesting defendants, it only indicates that the plaintiff cannot claim her 1/18th share in Item 1, insofar as the said extent of 35 cents. As a natural consequence, when the said extent of 35 cents is allotted to the share of contesting defendants, then the plaintiff is certainly entitled to her entitlement of 1/18 share to be factored in the remaining extent of lands in Item 1. This Court has only held that the plaintiff's right to carve out her share in Item 1 from and out of the plot sold to Balakrishnan would alone stand forfeited. The plaintiff is certainly entitled to be compensated in the remaining lands in respect of her 1/18 share in the said 35 cents and there can be no other interpretation to the findings rendered by this Court in the common judgment.

10. It is clarified that since the sale deed in favour of Balakrishnan is admitted all round, the plot measuring 35 cents purchased by Balakrishnan, would be allotted to the share of defendant in the final decree proceedings and the 1/18 share which the plaintiff is entitled to in the said extent of 35 cents



shall be compensated in the remaining lands in Item 1, apart from her regular entitlement of 1/18th share in the remaining extent of lands.

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11. In the light of the above, I do not see any merit in these revision petitions. The Trial Court shall proceed with the final decree application and considering that the parties have been litigating for close to 40 years, the final decree application shall be disposed of on merits and in accordance with law, within a period of four (4) months from the date of the receipt of the copy of the order. It is made clear that insofar as 2 acres and 40 cents, 2 acres has been sold by the original owner and 40 cents have been acquired by the Government and it is admitted on both sides that the said 2 acres and 40 cents shall be excluded from the final decree proceedings.

12. In fine, these Civil Revision Petitions are dismissed with the above directions. Consequently, connected Miscellaneous Petitions are also dismissed.

No costs.

27.02.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

The Subordinate Judge of Palladam.



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. Nos.2622 and 2625 of 2025
and CMP. No.14839 & 14824 of 2025

27.02.2026