



WEB COPY

CRP No. 3712 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

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

CRP No. 3712 of 2025

AND

CMP NO. 19823 OF 2025

K Selvamani
S/o. Late. Kupusamy Yadav,
Vanjur Kollaimesu Junction road,
Senur Post (via), Gandhi Nagar,
Katpadi Taluk, Vellore District - 632 006.

..Petitioner(s)

Vs

1. Vijaya
W/o. Venkatesan,
No.100, Bajani Koil Street, Jabrapettai Village
and Post, Katpadi Taluk, Vellore District.

Rukmani Ammal (died)

2. K. Laxmanan
S/o. Late. Kuppusamy Yadav,
Vanjur Kollaimesu Junction Road, Senur Post
(via), Gandhi Nagar, Katpadi Taluk, Vellore
District.

3. K. Mohan
S/o. Late. Kuppusamy Yadav,
Vanjur Kollaimesu Junction Road, Senur Post
(via), Gandhi Nagar, Katpadi Taluk, Vellore
District.

4. K. Jayaraman
S/o. Late. Kuppan Yadav,
Vanjur Kollaimesu Junction Road, Senur Post
(via), Gandhi Nagar, Katpadi Taluk, Vellore
District.

..Respondent(s)



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Civil Revision Petition filed under Sec.115 of C.P.C., praying to allow the Civil Revision Petition setting aside the Fair and Decreetal Order of the Learned Subordinate Judge, Katpadi, Vellore District dated 19.06.2025 in I.A.No.2 of 2024 in I.A.No.1 of 2022 in O.S.No.4 of 2022 and Order the I.A. as prayed for.

For Petitioner(s): Mr.T. M. Hariharan

For Respondent(s): Mr.J.Chelladurai Caldwell For R1
R2 To R4 - No Appearance

ORDER

Challenging the impugned order passed in I.A.No.2 of 2024 in I.A.No.1 of 2022 in O.S.No.4 of 2022 by the learned Sub-Judge, Katpadi, the Revision Petitioner/2nd defendant preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioner/2nd defendant filed an application to set aside the exparte order passed in I.A.No.1 of 2022, which was filed by the 1st respondent/plaintiff to initiate final decree proceedings by appointing an advocate commissioner to divide the suit property as per preliminary decree. Even before the suit proceedings in O.S.No.4 of 2022, the revision petitioner/2nd defendant has not raised objections nor submitted as if he



has no objections for division of property. Thereafter, the final decree application was filed by the 1st respondent/plaintiff in I.A.No.1 of 2022, wherein also he remained exparte. Thereafter, the commissioner was appointed and he visited, divided the property and submitted the report. But, on seeing the commissioner report, he got so aggrieved. Hence, he wanted to file his objections and also for revisitation of property by the commissioner. Aggrieved over that, the revision petitioner/ 2nd defendant preferred this Civil Revision Petition and prayed to set aside the findings of trial judge. On hearing both side submissions, the trial judge has dismissed the said application holding that the reason assigned for setting aside the exparte order was not satisfactory one and in order to cause delay in the final decree proceedings, he came forward with the said application.

3. As on date, the commissioner was appointed and the report was submitted before the trial court in order to pass a final decree, but the 2nd defendant is having some objections with regard to the commissioner's report. If the commissioner has not properly divided the property, it will lead to multiplicity of proceedings. Therefore, to avoid such circumstances, this Court is inclined to set aside the findings rendered in I.A.No. 2 of 2024 in I.A.No.2 of 2022 in O.S.No.4 of 2022 by the Subordinate Judge, Katpadi and the I.A.No.2 of 2024 is ordered to be allowed. The revision petitioner/2nd defendant is directed to cooperate with the final decree proceedings and to file his



objections. On receipt of his objections, the trial judge is directed to dispose the final decree application within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

23-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Sub-Judge, Katpadi.



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T.V.THAMILSELVI J.

RPP

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