



WEB COPY

CRP No. 4813 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 4813 of 2025 and
CMP No.24260 of 2025**

Rathinavel

Petitioner(s)

Vs

Krishnagounder (Died)
1.Dhanalakshmi

2.Muthulakshmi @ Muthayee

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the degree and judgment, dated 18.10.2012 made in OS.No.105/2010 on the file of Subordinate Judge at Rasipuram.

For Petitioner: Mr.P.Valliappan, Senior Counsel
Assisted by
Mr.S.Varanesh

For Respondents Mr.R.Nalliyappan for R1
Mr.Karthik for R2

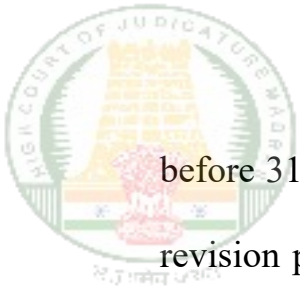
ORDER

Heard Mr.P.Valliappan, learned Senior Counsel appearing for the revision petitioner, Mr.Nalliyappan, learned counsel for the first respondent and Mr.Karthick, learned counsel appearing for the second respondent.



2. Mr.P.Valliappan, learned Senior Counsel appearing for the revision petitioner would fairly bring to my notice that the first appeal has been filed challenging the Judgment and decree in O.S.No.105 of 2010 and the same is pending in A.S.No.45 of 2018 before the learned Principal District Judge, Namakkal. In the said appeal, the petitioner has also taken out an application for adducing additional evidence under Order XL, Rule 27 C.P.C., and the same is also pending. He would however state that there are several glaring defects in the preliminary decree which warrant the exercise of the extraordinary power under Article 227 of the Constitution of India to set aside the Judgment and decree of the trial Court in O.S.No.105 of 2010.

3. Mr.Nalliappan, learned counsel appearing for the first respondent / plaintiff would submit that this is not the first attempt made by the revision petitioner. Earlier the revision petitioner himself has filed another revision in CRP.No.1671 of 2024 challenging the dismissal of the stay application in I.A.No.9 of 2023 in A.S.No.45 of 2018. This Court by an order dated 13.03.2025, had allowed the revision and directed the Fast Track Mahila Court, Namakkal to dispose of A.S.No.45 of 2018 on or before 30.04.2025. Thereafter the revision petitioner filed Tr.CMP No.438 of 2025 and the same was heard by me and orders were passed on 11.06.2025, transferring the proceedings from the file of the Fast Track Mahila Court, Namakkal to the file of the Principal District Court, Namakkal, with the direction to dispose of the Appeal on or



before 31.07.2025. Thereafter CMP was filed in CMP No.17682 of 2025 by the revision petitioner in the said Transfer CMP, seeking modification of the order passed by me on 11.06.2025. However, I was not inclined to accede to the request for modification of the order and I once again granted further time to the Principal District Judge, Namakkal to dispose of the appeal within an extended period of two weeks from 31.07.2025.

4. In the light of the above, I am not inclined to entertain the present revision under Article 227 of the Constitution of India, when a statutory first appeal is pending and it is also ripe for arguments. As it has been brought to my notice that an application for adducing additional evidence is also pending & the said application which is being taken up along with the main appeal, the learned Principal District Judge, Namakkal shall hear the appeal along with the application for adducing additional evidence and dispose of both on merits and in accordance with law, by 31.03.2026.

5. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06-01-2026

vum

Index: Yes/No

Speaking/Non-speaking order



CRP No. 4813 of 2025



P.B.BALAJI J.

vum

To

WEB COPY

1. The Subordinate Judge at Rasipuram.
2. The Principal District Judge,
Namakkal

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