



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 1058 of 2026
and CMP.No.5624 of 2026**

V.Sampathkumar

..Petitioner(s)

Vs

Rajammal (Died),
Kanagammal (Died)
Selvam (Died)

1.Raman

2.Govindan

3.Lavanya

4.Ramya

5.Dharani

6.Vikram

7.Pavunammal

8.Jayaraman

9.Mohangandhi



10.Pushpalatha

11.Mallika

12.Chitra

Venkatachalam (Died),
Sugumar (Died)

13.Sekar

14.Ravikumar

15.Manickam

Kandayee @ Ponnu (Died),
Kandamani (Died)

..Respondent(s)

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decretal order on 14.07.2025 in I.A.No.23 of 2025 in I.A.No.274 of 2012 in O.S.No.27 of 1989 on the file of the Additional Sub Court, Dharmapuri.

For Petitioner(s): M/s.Srimathi V.



ORDER

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Heard Ms.V.Srimathi, learned counsel for the petitioner.

2. The only contention of the learned counsel for the petitioner is that the final decree petition was not maintainable as there was no preliminary decree granted by the Trial Court. Since the First Appellate Court dismissed the appeal, according to the learned counsel for the petitioner, the preliminary decree of the Trial Court got merged with the preliminary decree passed by the Appellate Court.

3. The very same objection was put forth in IA.No.23 of 2025. The Trial Court rightly taking note of the ratio laid down by the Hon'ble Supreme Court in **Gojer Brothers vs. Ratan Lal** reported in AIR 1974 SC 1380, and **Hukumchand vs. Bhansilal**, reported in AIR 1967 SC 1405, held that the doctrine of merger would not bar the maintainability of proceedings initiated under the original decree.

4. In the light of the above, I do not see any grounds arising to interfere with the well considered order of the learned Additional Sub Court, Dharmapuri, dismissing the application filed by the petitioner/second



respondent challenging the maintainability of the final decree application.

However, dismissal of this revision or I.A.No.23 of 2025 shall not come in the way of the petitioner filing of counter affidavit in the final decree application and contesting the same on merits. Accordingly, this Civil Revision Petition is dismissed. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS

To

The Additional Sub Judge, Dharmapuri



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CRP No. 1058 of 2



P.B.BALAJI, J.

PVS

CRP No. 1058 of 2026

26-02-2026