



CRP(MD). No.274 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.274 of 2026

and

C.M.P(MD) No.1134 of 2026

G.Shanthi

... Petitioner

Vs

N.Nagarathinam (Died)

1.N.Saravanamoorthy

2. K.Sethulakshmi

3. M.Vasthasala Manikavasam

4. M.Sivanandham

5. M.Nithyanandham

Ganesan (Died)

6. S.Vasudevan

G.Sundarambal (Died)

G.Balasubramanian (Died)

7. G.Shanmugavel

8. B.Bhuvaneshwari

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9. Hariganesh

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 17.10.2024 passed in I.A.No.2 of 2024 in IA No.7 of 2016 in OS No.96 of 1981 on the file of the Principal Sub Court, Thanjavur, by allowing this Civil Revision Petition.

For Petitioner : Mr.D.Nallathambi

ORDER

This Civil Revision Petition has been filed challenging the order, passed in I.A.No.2 of 2024 in I.A.No.7 of 2016 in O.S.No.96 of 1981, dated 17.10.2024, on the file of the learned Principal Sub Judge, Thanjavur, whereby the learned Judge, dismissed the application filed by the petitioner seeking to set aside the ex-parte order passed on 21.09.2023.

2. The learned counsel appearing for the revision petitioner submitted that the property has to be properly assessed for deciding the right and share claimed by the revision petitioner. However, the trial



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Court rejected the said contention with cost on the ground that the suit has been pending for more than 43 years and that the present application has been filed only to protract the proceedings.

3. This Court has carefully considered the submissions made and perused the materials available on record.

4. It is seen that an Advocate Commissioner had already been appointed in I.A.No.7 of 2016 and a report had been filed dealing with the respective shares of the parties. The present application in I.A.No.2 of 2024 is nothing but an attempt to re-agitate the very same issue that had already been considered in I.A.No.7 of 2016.

5. Considering the fact that the suit itself is of the year 1981 and has been pending for more than four decades, the trial Court was justified in coming to the conclusion that the application has been filed only to protract the proceedings.



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6. Therefore, this Court does not find any infirmity in the order passed by the trial Court warranting interference. However, the cost imposed by the trial Court is set aside.

7. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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N.SENTHILKUMAR, J.

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