



WEB COPY



CRP.No.4376 of 2025 and CMP.No.22404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4376 of 2025

and

CMP.No.22404 of 2025

S.Natarajan

... Petitioner

Versus

1. Manickam @ Arumugam
Ramathal (died)
2. Ponngiammal
3. Vijaylakshmi
4. Padmavathi
5. Devaraj
6. Thulasaiammal
7. Vijaylakshmi
8. Kalaiselvi
Sundaravadivel (died)
9. Rajagopal,
10. Thangamani

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 04.04.2025 passed in I.A.No.13 of 2025 in O.S.No.851 of 2013 on the file of the learned I Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.A.Tamilarasan



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ORDER

Unsuccessful plaintiff has preferred the present Civil Revision Petition.

2. The suit filed in O.S.No.851 of 2013 on the file of the Additional Sub Court, Coimbatore seeking for partition directing division of the suit property into 10 equal shares and allot 1/10th share to the plaintiff in total by metes and bounds.

3. Both sides evidence were completed. The case was posted for arguments. At this stage, on 27.03.2024, the Court below *suo motu* reopened the case directing the plaintiff to add the purchasers and the case was posted for arguments on 26.04.2024. In the meanwhile, the plaintiff has filed an application in I.A.No.13 of 2025 in O.S.No.851 of 2013 under Order II Rule 2(1) and order VII Rule 1 (h) of CPC to grant appropriate mould - relief in respect of the plaintiff's share in Item No.2 of the suit properties to which he is entitled.



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4. Upon hearing either side, the Court below dismissed the said application on 04.04.2025 on the ground that the first defendant has pleaded that the second item of the suit property has already been sold out and the subsequent purchasers were also not parties to the suit itself. The second item of the suit property was sold out by the defendants 3 to 6. The purchasers were not impleaded as parties to the suit. Aggrieved over the same, the plaintiff has preferred the present civil revision petition.

5. It is seen from the records that after completion of both sides evidence, the suit was posted for judgment on 27.03.2024. On the said date, the Court below *suo motu* reopened the case and directed the plaintiff to implead the purchasers of item 2 of the suit property.

6. Upon considering the submissions made by the learned counsel for the revision petitioner, the petitioner has made out a *prima facie* case for grant of interim stay and the balance of convenience is also in favour of the petitioner and irreparable loss would be caused to the petitioner, if no interim



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stay is granted. Therefore, there shall be an order of interim stay till
06.10.2025.

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7. Issue notice to the respondents returnable by 09.10.2025. Private notice is also permitted.

8. Post this matter on 06.10.2025.

12.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The I Additional Sub Court, Coimbatore.



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M. JOTHIRAMAN, J.

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