

C.R.P.(MD)No.353 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED : 09.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.353 of 2026 &  
C.M.P.(MD)No.1608 of 2026

Saraswathi

... Petitioner

vs.

1.Palanichamy Goundar

2.Kandasamy Goundar

Chinnappa Goundar (Died)

3.P.Rajendran

P.Kaliappan (Died)

4.P.Kandasamy

5.C.Kaliappan

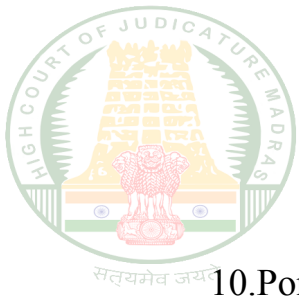
6.C.Dhandapani

Muthammal (Died)

7.K.P.Dhandapani

8.Nachammal

9.Chinnasamy



C.R.P.(MD)No.353 of 2026

WEB COPY

10.Ponnathal

11.Kaleeswari

12.M.K.Karthigai Vel

13.M.K.Selvan

14.M.K.Vellaithai

... Respondents

**PRAYER:** Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the fair and decreetal order passed by the District Munsif Court, Oddanchatram, in E.A.No.15 of 2025 in E.P.No.7 of 2023, dated 07.11.2025.

(Prayer amended vide order of this Court dated 09.03.2026 in C.M.P. (MD)No.2267 of 2026 in C.R.P.(MD)No.353 of 2026)

For Petitioner : Mr.S.Krishnan

For Respondents : Ms.V.Muthumani for R1

No appearance for R2 to R4 & R6 to R14

### **ORDER**

This Civil Revision Petition challenges the order passed by the learned District Munsif, Oddanchatram in E.A.No.15 of 2025 in E.P.No.7



C.R.P.(MD)No.353 of 2026

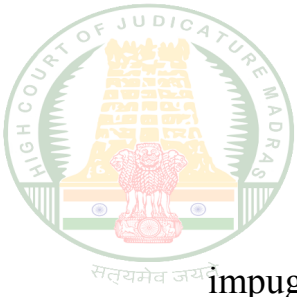
WEB COPY

of 2023, dated 07.11.2025 and thereby dismissing the application filed by the petitioner under Order XXI Rule 97 of the Code of Civil Procedure.

2. Though the learned counsel for the petitioner urges on the merits of the application, I have to point out, in terms of Order XXI Rule 103 of the Code of Civil Procedure, any order passed under Order XXI Rule 98 or 100 is subject to an appeal, as if it were a decree.

3. The learned counsel for the petitioner states that the application has been filed under Order XXI Rule 97 and not under Order XXI Rule 98. While the submission might look interesting, an application filed under Order XXI Rule 97 is adjudicated under Order XXI Rule 98. Similarly, an application filed under Order XXI Rule 99, is adjudicated under Order XXI Rule 100.

4. The petitioner has the right of appeal to challenge the order passed by the learned District Munsif, Oddanchatram. When an appeal lies, a revision is not maintainable. Hence, the Civil Revision Petition is dismissed with a liberty to the petitioner to file an appeal against the



C.R.P.(MD)No.353 of 2026

WEB COPY

impugned order in this revision. Needless to add, the period spent during the pendency of this revision, will stand excluded. No costs. Consequently, connected Miscellaneous Petition is closed.

**09.03.2026**  
**(2/2)**

NCC:Yes/No  
Index:Yes/No  
Speaking/Non-speaking order

*mbi*

*Note to the Registry: The original of the impugned order shall be returned to the learned counsel for the petitioner forthwith after getting usual endorsement, to enable him to prefer an appeal.*

To

The learned District Munsif,  
Oddanchatram.



WEB COPY



C.R.P.(MD)No.353 of 2026

**V.LAKSHMINARAYANAN, J.**

*mbi*

**C.R.P.(MD)No.353 of 2026**

**09.03.2026  
(2/2)**