



CRP(MD) No.3325 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Civil Appellate Jurisdiction )

Monday, the Fourteenth day of October Two Thousand and Twenty Four  
PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRP(MD) Nos.3325 of 2023, 1866 and 2075 of 2024

and

CMP(MD)No.17174 of 2023

SARITHA

... PETITIONER/2<sup>nd</sup> APPELLANT/  
2<sup>nd</sup> DEFENDANT/2<sup>nd</sup> DEFENDANT  
IN CRP(MD).3325/2023 & 2075/2024

MALLIKA ARJUNARAJU (DIED)

SARITHA

... PETITIONER/PETITIONER/PLAINTIFF  
IN CRP(MD).1866/2024

Vs

1 JEYALAKSHMI

2 SENTHIL KUMAR,

... RESPONDENTS 1 & 2/RESPONDENTS 1 & 2  
/PETITIONER 1 & 2/PLAINTIFFS 1 & 2

3 M.MURUGANANTHAM,

... 3<sup>rd</sup> RESPONDENT/1<sup>st</sup> APPELLANT/  
1<sup>st</sup> DEFENDANT/1<sup>st</sup> DEFENDANT  
IN CRP(MD).3325/2023 & 2075/2024

RAMA KRISHNAN (DIED)

1 JEYALAKSHMI

2 SENTHIL KUMAR

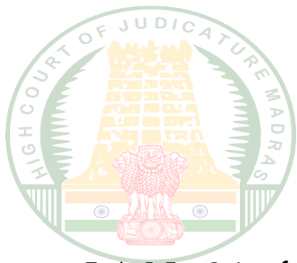
3 M.MURUGANANTHAM

... RESPONDENTS/RESPONDENTS/DEFENDANT  
IN CRP(MD).1866/2024

Prayer in CRP(MD).3325/2023 :

To set aside the Fair and decretal order passed in C.M.A.3 of 2019 dated  
07.11.2023, on the file of Sub Court, Manamadurai and confirmed the order in

<https://www.mhc.tn.gov.in/judis>



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I.A.No.36 of 2018 in O.S.No.9/2018 on the file of the Principal District Munsif Court, Manamadurai, dated 22.03.2018, and allow the Civil Revision Petition.

Prayer in CMP(MD). 17174/ 2023 in CRP(MD).3325/2023 :

To Stay the operation of the impugned fair and decreetal order passed in C.M.A.No.3 of 2019 on the file of Sub Court, Manamadurai and confirmed the order passed in I.A.No.36 of 2018 dated 22.03.2018 on the file of Principal District Munsif Court, Manamadurai pending disposal of this Civil Revision Petition.

Prayer in CRP(MD). 1866/ 2024 :

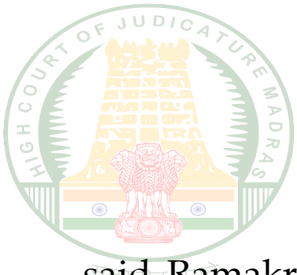
To call for records in pursuant to the impugned the fair and decreetal order passed in EP No.1 of 2024 dated 30.04.2024 in OS No.311 of 1991 on the file of Principal District Munsif Court, Manamadurai, to be set aside, and allow this Civil Revision Petition.

Prayer in CRP(MD). 2075/ 2024 :

To set aside the fair and decreetal order passed I.A.No.5 of 2023 in C.M.A.No.3 of 2019 dated 07.11.2023 on the file of Sub Court, Manamadurai and allow the Civil Revision Petition

ORDER : These Civil Revision Petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.JOHN, Advocate for the petitioner in all CRP's and MR.NATARAJAN, Senior Counsel for M/S.VIJAYAKUMARI NATARAJAN, Advocate for the Respondents 1 & 2 in all CRP's, the Court made the following order:-

The brief facts are that the suit properties and other properties were originally belonged to one Sundar Raju, who had three sons namely Malligarjuna Raju, Ramamoorthy and Mohan Gandhi. The suit properties were inherited by Malligarjuna Raju and then he had given the property for rent to one Ramakrishnan Pillai. When the said Ramakrishnan had defaulted paying the rent, the said Malligarjuna Raju had filed RCOP to evict the tenant Ramakrishnan Pillai. But the



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said Ramakrishnan Pillai had submitted that he had purchased the suit properties from one Ramasamy Raju who is the son of Malligarjuna Raju. But the plea of the said Malligarjuna Raju is that his son Ramasamy Raju had relinquished his right over the suit properties and other family properties 10 years before after getting Rs.20,000/- for his share. When the said Malligarjuna Raju had disturbed the possession of the suit properties the said Ramakrishnan Pillai had filed O.S.No.138 of 1991 on the file of District Munsif Court, Manamadurai for Shop No.149 and the same was dismissed, but on appeal in A.S.No.160 of 1997 it has been held that both the father Malligarjuna Raju and the son Ramasamy Raju have equal undivided share in the said shop. Likewise, the said Malligarjuna Raju had filed three suits for Shop No.150, 148 and 151 in O.S.No.311 of 1991, O.S.No.49 of 1996 and O.S.No.107 of 1998 respectively. In all the suits it has been declared that both the father Malligarjuna Raju and the son Ramasamy Raju have equal undivided share in the said shops.

2.In the meanwhile the said subsequent purchaser Ramakrishnan died and his legal heirs namely Jayalakshmi and Senthil Kumar are impleaded as parties.

3.The father Malligarjuna Raju died and after his demise his daughter namely Usha Devi @ Usha Venkateswaran is claiming right over the father's share in the suit property. And had sold the said share to one Muruganantham son of Duraisamy and one Saritha wife of Boomirajan. When the said Muruganantham and Saritha were



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disturbing the possession of the suit property, the said legal heirs of Ramakrishnan namely Jayalakshmi and Senthil Kumar had filed the suit in O.S.No.9 of 2018 and also filed I.A.No.36 of 2018 for interim injunction. The said I.A. was allowed, aggrieved over the same the said Saritha had preferred appeal in C.M.A.No.3 of 2019 was filed and the same was dismissed. Aggrieved over the same the present CRP is filed.

4.When the father Malligarjuna Raju is having undivided share in the property, then the daughter Usha Devi @ Usha Venkateswaran is having undivided share from the father's share. The said Muruganantham and Saritha had purchased the undivided share belonging to the father. Hence the said Muruganantham and Saritha ought to be accommodated in any one of the shops.

5.But the said Jayalakshmi and Senthil Kumar are objecting to acknowledge the share of the father and submitted that the said Malligarjuna Raju was having larger extent of properties. If all the other properties are divided then the undivided share in the four properties shall be allotted to the son Ramasamy Raju, in turn they would be getting the entire four shops in Shop Nos.148 to 151. The said plea is not acceptable since said the Jayalakshmi and Senthil Kumar had not filed any suit for partition to partition the undivided shares. When the Court has declared that the son Ramasamy Raju is having undivided share, then the father is also having undivided equal share



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in the said property. Unless a partition suit is filed by the father Malligarjuna Raju or by son Ramasamy Raju or by daughter Usha Devi or by the subsequent purchasers namely, Ramakrishnan (or his legal heirs Jayalakshmi and Senthil Kumar) or the subsequent purchaser Muruganantham and Saritha, the issue cannot be resolved.

6. Therefore, as an interim arrangement, the purchaser Ramakrishnan (i.e. his legal heirs Jayalakshmi and Senthil Kumar) are directed to be in possession of Shop No.149, 150 and 151 alone until the disposal of the present revision petition. The petitioner Saritha who had purchased the property from the daughter Usha Devi (which is the share of father Malligajura Raju) is entitled to be in possession of Shop No.148 alone until the disposal of the present revision petition.

7. The parties are at liberty to file a partition suit, if so advised. It is made clear the present order is passed as an interim arrangement and any observations in the present order would not prejudice the rights of the parties. And their claim shall be independently analyzed in the partition suit, if so filed.

sd/-

14/10/2024

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/10/2024

Sub-Assistant Registrar (C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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1 THE SUBORDINATE JUDGE, MANAMADURAI.

2 THE PRINCIPAL DISTRICT MUNSIF, MANAMADURAI.

+1 CC to M/s.VIJAYAKUMARI NARATARAJAN, Advocate ( SR-12400[I] dated 14/10/2024 )

+2 CC to M/s.J.JOHN, Advocate ( SR-12504[I] dated 16/10/2024 )

ORDER  
IN

CRP(MD) Nos.3325 of 2023, 1866 and 2075 of 2024  
and

CMP(MD)No.17174 of 2023

Date :14/10/2024

RS/JGB/SAR-(25.10.2024) 6P 6C  
Madurai Bench of Madras High Court is issuing  
certified copies in this format from 17/07/2023