



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.512 of 2023
and C.M.P.No.4176 of 2023

Radhakrishnan
S/o.Nachimuthu Gounder

..Petitioner

Vs

1. Rajendran
S/o.Nachimuthu Gounder
2. P.Sundarammal
W/o.Palanisamy Gounder
3. P.Rajeswari
D/o.Palanisamy Gounder
4. P.Samundeswari
D/o.Palanisamy Gounder
5. P.Thiruvaskam @ Dhanabal
S/o.Palanisamy Gounder
6. P.Kirubakaran @ Giri
S/o.Palanisamy Gounder

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
praying to set aside the fair and decretal order passed in I.A.No.1 of 2021 in
O.S.No.73 of 2016 dated 21-09-2022 on the file of the Court of the Subordinate
Judge, Pollachi, Coimbatore District.

For Petitioner : Mr.V.Ravi

For Respondents : Mr.V.Ravi [R1]
Mr.B.Bharath Kumar
for Mr.V.Nicholas [R2 to R6]



ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.1 of 2021 in O.S.No.73 of 2016 dated 21-09-2022 wherein the application filed by the petitioner under Order VI Rule 17 CPC came to be partly allowed and the present revision has been filed as against the disallowed portion.

2. Heard learned counsel for petitioner and learned counsel for respondents and carefully perused the materials available on record. This Court also went through the impugned order.

3. It is brought to the notice of this Court that during the pendency of the revision, an application came to be filed in I.A.No.3 of 2023 in O.S.No.73 of 2016 by defendants 2 to 6 for rejection of plaint and an order came to be passed on 20.10.2023 rejecting the plaint. Aggrieved by the same, the petitioner has filed an appeal in A.S.No.15 of 2024 on the file of Principal District Court, Coimbatore and the same is pending.

4. In the light of the above development, even though learned counsel for petitioner expressed reservations in the manner in which the Court below has proceeded to deal with the rejection of plaint application when the civil revision



petition was pending, this Court does not want to collaterally test the order passed by the Court below while rejecting the plaint. It is left open to both parties to agitate all the grounds before the concerned Court where A.S.No.15 of 2024 is pending. Ultimately, if the petitioner is able to succeed in the appeal, it is left open to the petitioner to revive the claim made for the disallowed portion of the amendment of pleadings sought for by the petitioner. This observation will sufficiently take care of the right of the petitioner.

This civil revision petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

17-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To

The Subordinate Judge,
Pollachi, Coimbatore District.



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N.ANAND VENKATESH, J.

gm

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(1/2)