



WEB COPY

CRP No. 573 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 573 of 2026
C.M.P.No.3155 of 2026

Vandana Prithviraj

..Petitioner(s)

Vs

R.Sreenath,

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to allow the above Civil Revision Petition by setting aside the fair and decretal order of the learned Trial Judge in order dated 04.12.2025 passed in I.A.No.1 of 2022 in O.S.No.1628 of 2020 on the file of XVIII Additional Judge, City Civil Court, Chennai, and consequently allow I.A.No.1 of 2022 in O.S.No.1628 of 2020 and pass such further or other orders as to this Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): M/S.Shivakumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking judgment and decree on admission.



2.The petitioner herein filed a suit seeking partition of suit properties.

According to the petitioner the suit properties originally belong to her father Ramachandra Varma and after his death the petitioner and respondent being children of Ramachandra Varma entitled to half share each.

3.The respondent herein filed written statement wherein he admitted petitioner as his sister. However, he raised a stand that after death of their father, the petitioner had taken away 50 sovereigns of jewel available with mother and it is also pleaded that taking advantage of the petitioner's employment in Syndicate Bank the amount lying in the Bank account of the father to the tune of Rs.37,00,000/- was withdrawn by the petitioner. The respondent also raised counter claim that he is entitled to 50% share in Rs.37,00,000/- withdrawn by the petitioner from the Bank account of father and half share in the 50 sovereigns of jewels allegedly taken away by the petitioner.

4.Based on the admission made by the respondent that petitioner is his sister and she is entitled to half share in the estate of the deceased Ramachandra Varma, the petitioner filed instant application seeking judgment on admission. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.



5. The learned counsel appearing for the respondent by taking this Court to the admission made by the respondent in the written statement would submit that respondent made a categorical admission regarding status of the petitioner as daughter of Ramachandra Varma and her entitlement for half share. In such circumstances, there may not be any impediment for the trial Court to pass a decree based on admission.

6. It is true that respondent admitted petitioner as his sister and she is entitled to half share in the estate of the deceased father. However, it is his specific case amount to the tune of Rs.37,00,000/- lying in the bank account of father was fully withdrawn by the petitioner and he is entitled half share in the said amount. It is also stated by him that jewels weighing 50 sovereigns were taken away by the petitioner and the respondent is entitled to 50% share in those movables. Whether movable properties were really available whether those properties were taken away by the petitioner all are matter for consideration in trial and the same cannot be decided at this stage. It is settled law, the preliminary decree for partition shall be in respect of entire estate of the deceased and there cannot be a preliminary decree in respect of immovable properties alone. When defendant raises a defence that movables of the deceased were taken away entirely by the petitioner, the said issue has to be decided based on evidence at the time of the trial. Therefore, this Court is not inclined to accept the submission made by the learned counsel for the petitioner



that petitioner is entitled to judgment based on admission. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

09-02-2026

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

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To:-

XVIII Additional Judge, City Civil Court, Chennai.

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CRP No. 573 of 2



S.SOUNTCHAR, J.

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C.M.P.No.3155 of 2026**

09-02-2026