



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2599 of 2026

1. S.Salai Sivajothi
D/o. Natarajan, W/o. Sivakumar,
D.No.3/171, SF No.306, Maniyakanam
Thottam, Manikanatham Village and
Post, Paramathi Tk, Namakkal Dt.

Petitioner(s)

Vs

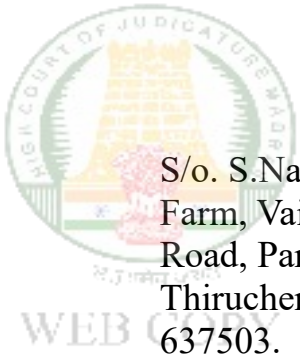
1. Salai Siva Nithi
S/o. N.Salai Sivanesan, D.No.3/1,
Rangasamypillai 1st Street,
Thondikaradu, Thiruchengodu Taluk,
Namakkal Dist.

2.Minor S.Salai Srinithi
D/o. N.Salai Sivanesan, Rep. by
guardian and next friend grandfather
Thangavel S/o. Ramasamy, D.No.3/1,
Rangasamypillai 1st Street,
Thondikaradu, Thiruchengodu Taluk,
Namakkal Dist.

3.S.Natarajan
S/o. Melvali Subbaraya Ananthar,
Senguttaikadu, Munjanoor Post,
Thiruchengodu Taluk, Namakkal Dist.

4.Saraswathi
W/o. S.Natarajan, Senguttaikadu,
Gurusamypalayam, Munjanoor Post,
Thiruchengodu Taluk, Namakkal Dist.

5.N.Salai Sivanesan



S/o. S.Natarajan, Marapalayam Poultry Farm, Vaiyappamalai-Morepalayam Road, Paruthipalli Village and Post, Thiruchengodu Taluk, Namakkal Dist 637503.

6.S.Devi
W/o. Salai Sivanesan, Marapalayam Poultry Farm, Vaiyappamalai-Morepalayam Road, Paruthipalli Village and Post, Thiruchengodu Taluk, Namakkal Dist 637503.

7.Murugesan
S/o. Nallaiyan, Athanur Pudur, Athanur Village, Rasipuram Taluk, Namakkal Dist.

8.D.J.Rajendran
S/o. D.R.Jeyakannan, D.No.5C, Vithyalaya Road, Seeranampalayam, Salem 7.

9.V.K.Nalliyappan
S/o. Karupanna Gounder, D.No.21C, Saradha College Main Road, Salem 7.

10.The Authorized Officer
Indian Overseas Bank, Fairlands Branch, Salem.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to against the Docket order in I.A.SR.79 of 2026 in O.S.161 of 2014 dated 16.04.2026 on the file of the Principal District Court in Special Court for SC/ST Cases, Namakkal.

For Petitioner(s): Mr.N.Suresh

For Respondent(s):



ORDER

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The revision petitioner has filed this revision, against the Docket order in I.A.SR.79 of 2026 in O.S.161 of 2014 dated 16.04.2026 on the file of the Principal District Court in Special Court for SC/ST Cases, Namakkal.

2. Aggrieved by the docket order passed by the trial court refusing to receive the counterclaim filed by the fifth defendant (a co-sharer), the present revision has been preferred.

3. The learned counsel for the revision petitioner submits that the trial has commenced, but so far other witnesses have not been cross-examined. At this stage, it is just and necessary to file a counterclaim regarding the share in the property. The required court fee has also been paid. However, the trial court failed to take the counterclaim on file.

4. Under law, co-sharers are entitled to file a counterclaim by invoking Order VIII Rule 6A CPC. Since the trial has not substantially progressed and only the chief examination of P.W.1 has been filed, the application to receive the counterclaim is maintainable.



5. In a partition suit, all parties are deemed to be plaintiffs. Therefore, an opportunity must be given to each party to prove their claim over the property, otherwise, it would result in a miscarriage of justice.

6. Accordingly, the trial court is directed to number the counterclaim and try it along with the suit within two weeks.

7. The Registry is directed to return all original documents, including the original counterclaim.

8. In view of the above, this Civil Revision Petition is disposed of. No costs.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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Note: Issue order copy by 27.04.2026.



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To

1. The Principal District Court in
Special Court for SC/ST Cases,
Namakkal.

2. The section officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI J.
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