



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4014 of 2026

and

CMP No. 17583 of 2026

1. Janaki
2. Rathipriya,
3. Venkateshkumar,

Petitioner(s)

Vs

Ramasamy Gounder (Died)

Shanmugam (died)

1. Ponnusamy
2. Venkatachalam,
3. Balasubramani @ Vasu,
4. Papathi Saraswathi,
5. Duraisamy,
- Arunachalam (died)
6. N.K. Saminathan,
7. A.S. Ponnusamy,
8. A. Sundaram,
9. Shankar,
10. Maheswari,
11. K.C. Venkatachalam,



Palanisamy (died)

12.Vasanthamani,

Poosamani (died)

13.N.K.Saminathan,
S/o. KandasamyGounder,
Neettachellpalayam, Seenapuram
Village, Perundurai Taluk.

14.P. Pappathi,

15.P Bharath,

Thangamuthu (died)

16.A. Shanmugasundaram,

17.S.Palanisamy,

18.P.Sarawathi,

19.Poongodi,

20.G.Rukmani,

21.M.Subramani,

22.M.Logasamy,

23.M. Venkatachalam,

24.P.Annakodi,

25.C.Rasathi,

26.Krishnaveni,

27.Gomathi,

28.Tamilurasu,

Pappaye Lakshmi, (died)

29.P.ElangoUgeshwaran,

30.Malliga,



Respondent(s)

PRAYER

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Civil Revision Petition filed under Article 227 of the Constitution of India to Set Aside the Fair and Final order dated 01.06.2026 made in I.A.No.47 of 2026 in O.S.No.17 of 2011 on the file of Subordinate Judge, Perundurai by allowing this Civil Revision Petition and thus render justice.

For Petitioner(s): Mr.V.Anandhamoorthy

For Respondent(s):

ORDER

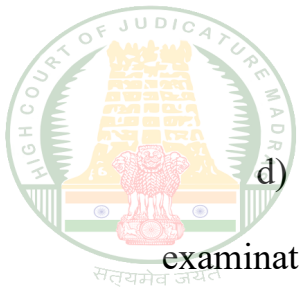
This civil revision petition has been filed, challenging the impugned order dated 01.06.2026 passed by the Sub Court, Perundurai in I.A. No.47 of 2026 in O.S. No.17 of 2011.

2. In the aforesaid order, the application of the petitioners / plaintiffs, seeking to amend the plaint under Order VI Rule 17 of C.P.C. for inclusion of certain properties in the partition suit has been dismissed by giving the following reasons:

a) Though the suit was filed in the year 2011 and ripe for trial in the year 2012, the petitioners / plaintiffs have proceeded with the trial only in the year 2020;

b) PW1 was further examined on 23.03.2026 and additional documents were marked and cross examined on 15.04.2026;

c) At the stage of further PW's, the petitioners have filed the application;



d) The perusal of the pleadings evidence of the plaintiffs and cross examination of the defendants does not elicit any fact that the respondents have denied about the non inclusion of the house properties of Kuppanna Gounder in their cross examination;

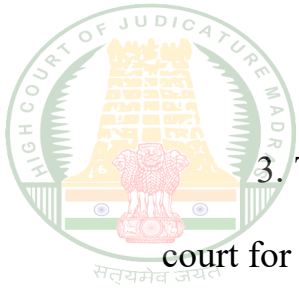
e) The petitioners have not produced any documents to show that the house properties stands in the name of Kuppanna Gounder in the survey numbers;

f) The proceedings of the suit also shows that the petitioners have been instrumental in delaying the proceedings one after another from the year 2011 and only in the year 2026 additional proof affidavit with additional documents was filed and the PW1 was cross examined;

g) In their additional evidence also, there was no whisper about the house properties;

h) The petitioners have already amended the plaint on more than three occasions and they have not chosen to amend the same regarding the properties;

i) Through the inclusion of the properties in a suit for partition would not affect the right of the parties in the absence of any prejudice, the non filing of any document and due diligence on the part of the petitioners would only establish the present application is only an attempt on the part of the petitioners to delay the proceedings without producing any documents to substitute their right in the properties.



3. This Court does not find any infirmity in the reasons given by the trial court for dismissing the petitioners' application. Admittedly, the petitioners were put to notice about the non inclusion of the properties in the written statement filed by the respondents / defendants. The petitioners also do not deem it fit to call upon the respondents to produce the documents in respect of the properties, which are not included in the partition suit at the first instance.

4. As seen from the reasons given by the trial court for dismissing the application filed by the petitioners, this court does not find any infirmity in the same. Since the suit is of the year, 2011, the trial court has rightly dismissed the petitioner's application.

5. Since there is no merit in this civil revision petition, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Subordinate Judge, Perundurai.



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ABDUL QUDDHOSE J.

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