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CRP No. 4577 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4577 of 2026

1. G.Vijayakumar

Petitioner(s)

Vs

1. G.Sundararaj

2.G.Selvaraj

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Subordinate Judge, Kanchipuram to take the plaint on file in OS SR No.5999 of 2026 filed by the petitioners/plaintiffs and Number the Original Suit and to pass such further or other orders as this Court.

For Petitioner(s): Mr.V.Ragupathy

For Respondent(s): Notice dispensed with

ORDER

This Civil Revision Petition has been filed, to direct the Sub Court, Kancheepuram, to number the suit in O.S. S.R. No.5999 of 2026 filed by the petitioner and issue summons to the respondents/defendants.

2. According to the petitioner, the Sub Court, Kancheepuram, has returned the plaint filed by the petitioner, seeking for partition and permanent



injunction, by raising various untenable grounds for rejection.

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3. As seen from the docket orders placed on record, the petitioner's counsel has not been granted an opportunity to argue the matter and try to convince the Court that the suit in O.S. S.R. No.5999 of 2026 is maintainable.

4. No prejudice will be caused, if a direction is issued to the trial Court, namely the Sub Court, Kancheepuram, to list O.S. S.R. No.5999 of 2026 on the issue of maintainability on a specified date fixed by the Court and permit the petitioner's counsel to argue O.S. S.R. No.5999 of 2026 and try to convince the Court that the partition suit filed by the petitioner is maintainable and if found so maintainable, a direction can be issued by this Court to the trial Court to number the suit and issue summons to the respondents and if the trial Court finds that the suit is not maintainable, a direction will have to be issued by this Court to the trial court to pass a speaking order with regard to the submissions made by the learned counsel for the petitioner on the maintainability of the suit.

5. Accordingly, this Civil Revision Petition is disposed of by directing the Sub Court, Kancheepuram, to list O.S. S.R. No.5999 of 2026 for maintainability before the Court on a specified date. On that specified date, the petitioner's



counsel shall try to convince the trial Court that the suit filed by the petitioner/plaintiff is maintainable and, if the trial Court gets convinced that the suit is maintainable, the trial Court shall issue summons to the respondents/defendants. Otherwise, the trial Court, while rejecting the suit, shall pass a speaking order with regard to the contentions of the petitioner/plaintiff on the maintainability of the suit.

6. The aforesaid exercise is directed to be completed by the trial Court within a period of four weeks from the date of re-presentation of the original plaint filed in O.S. S.R. No.5999 of 2026 by the petitioner/plaintiff.

7. The Registry of this Court is directed to return the original plaint in O.S. S.R. No.5999 of 2026 to the learned counsel for the petitioner to enable the petitioner to re-present the plaint before the trial Court.

8. Since no adverse orders are passed against the respondents, notice to the respondents is dispensed with by this Court.

06-08-2026

Neutral Citation: Yes/No
ab

To
The Sub-ordinate Court, Kanchipuram.



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ABDUL QUDDHOSE J.

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