



WEB COPY

CRP No. 2007 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-04-2026**

CORAM

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 2007 of 2026**

**AND**

**CMP NO. 8930 OF 2026**

Selvaraj  
S/o. Komarasamy,  
Kongu Nagar, K.K.Valasu,  
Vadamugavellode Village,  
Perundurai Taluk,  
Erode District.

..Petitioner(s)

Vs

1. Thangaraj  
S/o. Komarasamy,  
J Kongu Nagar,  
K.K.Valasu, Vadamugavellode Village,  
Perundurai Taluk, Erode District.  
Currently Res. At,  
3/15, R.S.Road,  
Perundurai R.S.Road,  
Opposite to Kongu Polytechnic Arch,  
Thoppupalayam, Perundurai Taluk,  
Erode District.
2. Arunachalam  
S/o. Thangamuthu,  
Gandhi Nagar, Chennimalai Road,  
Vellode, Perundurai, Erode District.
3. Eswaramoorthy  
S/o. Periyasamy,  
Paraiyankatti Valasu,  
Thuyampudhurai Village,  
Erode District.



4. Sowmiya  
W/o. Magesh,  
Malligai Kadai House,  
52, R.S.Road, Thoppuplalayam,  
Perundurai, Erode District.

5. Priya  
W/o. Suresh,  
D.No.22, N.G.G.O.Colony,  
1<sup>st</sup> Street, Erode-009.

Subbatha1 (Died)

6. Nallasivam  
S/o. Gurusamy,  
No.22, S.N.Dhas Layout,  
4<sup>th</sup> Street, Tata Bat,  
Coimbatore-12.

7. Palanisamy  
S/o. Gurusamy,  
No.44, S.N.Dhas Layout,  
4<sup>th</sup> Street, Tate Bat,  
Coimbatore-12

8. Sarojini  
W/o. Palanisamy,  
No.179, Kumar Illam Thoppupalayam,  
Perundurai, Erode District.

..Respondent(s)

## PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and Final order dated 05.11.2025 made in IA No.10 of 2025 in OS No. 197 of 2014 by the I Additional District Court, Erode.

For Petitioner(s): Mr.T.Balaji



## ORDER

Aggrieved over the impugned fair and final order passed in I.A.No.10 of 2025 in O.S.No.197 of 2014 by the learned I Additional District Court, Erode, the Revision Petitioner/1<sup>st</sup> defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/1<sup>st</sup> defendant filed an application under Order VIII Rule 9 r/w Sec.151 of C.P.C. seeking to receive his counter claim, but the same was dismissed by the trial judge stating that he came forward with the said application belatedly and now the trial has begun, at that stage, the counter claim cannot be accepted. To that effect, the trial judge has also relied the ratio laid down in the authority reported in **2023 (1) CTC 342** in the case of ***P.Sreenivasulu Reddy and another vs. U.Vishwanatha Reddy and others***. Aggrieved over that, the revision petitioner/1<sup>st</sup> defendant preferred this Civil Revision Petition.

4. The learned counsel for revision petitioner/1<sup>st</sup> defendant would submit that even at the time of filing written statement, he had stated that some of the properties are purchased by the 1<sup>st</sup> respondent/plaintiff, which are also joint family properties. However, due to lack of communication, he was not able to file the counter claim in time. He would submit that after collection of relevant documents, now he had filed the said application, but the trial judge failed to



consider the same and erroneously dismissed the application. Hence, he prayed to set aside the findings of trial judge.

5. Admittedly, in the written statement, he has stated about the properties, which were purchased by the 1<sup>st</sup> respondent/plaintiff and now the trial has begun. At that stage, the revision petitioner/1<sup>st</sup> defendant came forward with the counter claim. But, on considering the prayer sought in the suit for the relief of partition and all the parties are being relatives, proper opportunity is to be given to them, more particularly, the revision petitioner/1<sup>st</sup> defendant wanted to putforth his defence with regard to the issue of properties belonged to the 1<sup>st</sup> respondent/plaintiff, otherwise, it will lead to multiplicity of proceedings. As on date, the case is posted for evidence of P.W.1. Therefore, opportunity is to be given to the revision petitioner/1<sup>st</sup> defendant to putforth his defence by receiving his counter claim. Hence, the trial judge is directed to number the counter claim and take the counter claim on file within a week from the date of receipt of copy of this order and to proceed with the trial along with counter claim by giving opportunity to both parties. Accordingly, the fair and final order passed in I.A.No.10 of 2025 in O.S.No.197 of 2014 by the I Additional District Court, Erode is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

**07-04-2026**



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

RPP

To

The I Additional District Court, Erode.



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**T.V.THAMILSELVI J.**

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