

In the High Court of Judicature at Madras

Dated : 23.1.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

Civil Revision Petition (PD) No.1336 of 2014 and MP.No.1 of 2014

1.K.E.Mohanavelu
2.K.E.Mohanraj
3.K.E.Mahalingam
4.K.E.Thulasi (a) Tamilmurasu

...Petitioners

Vs

1.Smt.Navaneetham (a) Chinnakannu
2.Smt.K.E.Pattammal

Smt.K.D.Saroja (died)
Thiru.K.D.Venkatesan (died)

3.K.D.Vasantha
4.Thiru.K.D.Kumar
5.Thiru.K.D.Babu
6.Smt.K.M.Amirthavalli
7.Thiru.K.M.Perumal

Thiru K.E.Sampath (died)

8.Thiru K.E.Sekar
9.Thiru K.D.Murali

...Respondents

PETITION under Article 227 of The Constitution of India to set aside the order dated 17.12.2011 made in I.A.No.466 of 2011 in O.S.No.715 of 2001 on the file of the District Munsif Court, Pallipattu.

For Petitioners : Mr.M.V.Muralidharan

ORDER

The petitioners have come up with the above revision petition,

(2)

V.RAMASUBRAMANIAN,J
RS

challenging an order passed by the Trial Court refusing to reject the plaint in terms of Order VII Rule 11 of the Civil Procedure Code.

2. Heard Mr.R.Muralidharan, learned counsel for the petitioners.

3. The suit is one for partition. The ground on which the petitioners sought rejection of plaint under Order VII Rule 11 of the Civil Procedure Code was that there was an earlier partition. But, the same is a matter for evidence. Therefore, the Trial Court rightly observed that the plaintiff disclosed a cause of action and that the disputes raised by the petitioners could be decided only after trial. The Court below has also come down heavily on the conduct of the petitioners to appear as parties in person after change of several counsel. Hence, I do not think that this is a case, which warrants interference with the order of the Court below.

4. Accordingly, the civil revision petition is dismissed. Consequently, the above MP is also dismissed.

23.1.2015

Internet : Yes

To
The District Munsif Court, Pallipattu.

CRP(PD).No.1336 of 2014
and MP.No.1 of 2014