

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.1294 OF 2015
AND M.P.NO.1 OF 2015

1.Kolandaiammal
2.Manickam
3.Rajamani
4.Jaya
5.Amaravathi
6.Revathy
7.Anbalagan

... Petitioners

Vs.

1.Soundarajan
2.T.Ramar
3.Radhakrishnan
4.Jayaraman

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition order dated 22.01.2015 passed in I.A.No.185 of 2014 in O.S.No.55 of 2014 by the II Additional District Judge, Salem.

For Petitioners : Mr.V.Vijayakumar

ORDER

Heard the submissions made by Mr.V.Vijayakumar, learned counsel for the petitioners and perused the materials available on record.

2.This Civil Revision Petition is directed against the order dated 22.01.2015 passed in I.A.No.185 of 2014 in O.S.No.55 of 2014 by the learned II Additional District Judge, Salem.

3.The petitioners are the defendants 1 to 7 in O.S.No.55 of 2014. The first respondent had instituted the suit against the petitioners and the respondents 2 to 4 herein for partition and separate possession. In the suit, the petitioners had taken out an application in I.A.No.185 of 2014 to delete some of the properties from the suit schedule contending that they are self acquired properties of the petitioners. Though the respondents did not file counter, the Trial Court closed the application on 22.01.2015.

4.Mr.V.Vijayakumar, learned counsel for the petitioners submitted that the Trial Court without assigning any reasons rejected the application and hence, the order is liable to be set aside on the sole ground that it is a non speaking order.

5.It is seen that the first respondent had filed the suit for partition and separate possession. The petitioners have filed the application contending that some of the properties are self acquired properties of the petitioners and they are not liable for partition. In my considered opinion, the rights of the parties can be decided only after trial and the application is a premature one. The Trial Court has rightly dismissed the application, which does not warrant interference by this Court.

6.In the result, the Civil Revision Petition is dismissed. The Trial Court shall dispose of the suit, on merits and in accordance with law, without being influenced by the observations made in this order. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2015

Index : Yes/No
Internet : Yes/No
DN/TK

To

The II Additional District Judge,
Salem.

K.KALYANASUNDARAM, J.
DN/TK

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