

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.No.697 of 2015

and

M.P.No.1 of 2015

1.Loganayaki Shanmugam
2.Minor.Sathyapriya
3.Minor.Banureka

...Petitioners/Defendants 6 to 8

Vs

1.S.Bhuvaneshwari
2.R.Kowsalya Devis

...Respondents/Plaintiffs

Prayer:- The Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and the decreetal order dated 11.04.2014 in I.A.No.91 of 2014 in O.S.No.418 of 2011 on the file of the V Additional District and Sessions Court, Coimbatore.

For Petitioners : Mr.C.R.Prasanan
For Respondents 1 & 2 : No Appearance

O R D E R

The Civil Revision Petition is directed against the order dated 11.04.2014 passed by the V Additional District and Sessions Court, Coimbatore, in I.A.No.91 of 2014 in O.S.No.418 of 2011.

2. The respondents had instituted a suit in O.S.No.418 of 2011 against the petitioners and five others for partition. The petitioners are the defendants 6 to 8 in the suit.

3. The specific case of the plaintiffs is that from and out of the income derived from the first item of the suit property, the defendants 1 and 2, who are the parents of the plaintiffs have purchased the other items. So they are entitled to their share in the suit properties.

4.The defendants have filed their written statement and they are contesting the suit. Whiles, the petitioners filed I.A.No.91 of 2014 in O.S.No.418 of 2011 under Order 7 Rule 11 of C.P.C. contending that the plaint does not disclose cause of action and the first defendant has purchased the other items of the suit properties by his self earning. The trial Court dismissed the application holding that the case of the petitioners could be decided only after the trial and the petitioners have not made out any case to strike out the plaint under Order 7 Rule 11 of C.P.C.

5. I do not find any illegality or irregularity in the order impugned in this revision. Hence, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

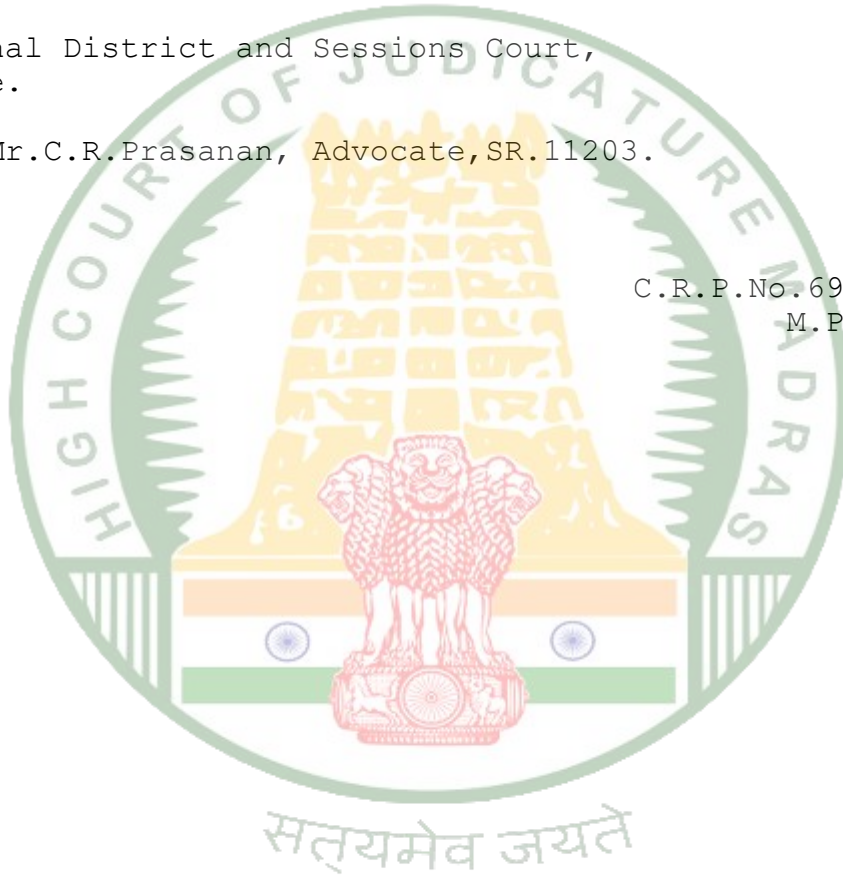
To

V Additional District and Sessions Court,
Coimbatore.

+1 cc to Mr.C.R.Prasanan, Advocate,SR.11203.

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