

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2021 of 2016

&

C.M.P.No.10536 of 2016

1.N.Shanmugasundaram

2.N.Jayakumar

3.N.Vijayasarathi

... Petitioners

vs

1.N.Vadivelsamy

2.N.sivasubramaniam

3.S.Pasungili

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
praying to set aside the order passed in I.A.No.705/2014 in O.S.No.267 of 2012
dated 05.01.2016 on the file of Sub Judge, Pollachi.

For Petitioners : Mr.V.Anandamurthy

For Respondents : No Appearance

ORDER

This revision challenges the order of learned Sub Judge, Pollachi, passed in I.A.No.705/2014 in O.S.No.267 of 2012 dated 05.01.2016.

2. Heard learned counsel for petitioners. No representation for the respondents.

3. Learned counsel for petitioner submits that an earlier action in I.A.No.31/2014 to include a property in a suit for partition, the Court below had found that the claim of the plaintiffs had not been substantiated through production of relevant documents or other proof and hence such petition was closed granting liberty to the plaintiffs to make out a case for inclusion of such property by filing fresh application. Though in moving I.A. No.705 of 2014, the plaintiffs had not produced any additional material, Court below on the erroneous view that earlier application had been allowed, allowed I.A.No.705/2014.

4. On perusal of the order under challenge, we find that an additional item of property has been permitted to be included in the schedule on the reasoning that if such permission is not granted, a decision on whether such property could also form part of the subject matter for partition would be

avoided which could result in grave prejudice and that a final decision can be arrived only after trial.

Finding no reason to interfere, this revision shall stand dismissed. No costs. Connected miscellaneous petition is closed.

13.07.2016

Index:yes/no

Internet:yes

To

1. The Sub Judge, Pollachi.

C.T.SELVAM, J

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13.07.2016