

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2127 of 2016 and
CMP.No.11139 of 2016

1.Rajeswari
2.Diviya

...Petitioners

versus

1.Ramayal
2.Pushpamani

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 26.02.2016 passed by the learned Subordinate Judge, Sathyamangalam in I.A.No.316 of 2015 in O.S.No.98 of 2013.

For Petitionerw : Mr.K.Soundararajan

For Respondents : Mr.G.K.Muthukumar

ORDER

The respondents filed a suit for partition against the petitioners before the Sub-Court at Sathyamangalam in O.S.No.98 of 2013. The petitioners in the said suit filed an application in I.A.No.316 of 2015 invoking Order VII Rule 11 of the Code of Civil Procedure. According to the petitioners, the second respondent herein is not the legal heir of the

deceased Thangavel and as such, she cannot maintain the suit for partition. The learned Trial Judge dismissed the said application. Feeling aggrieved, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel on behalf of the respondents.

3. The petitioners filed an application in I.A.No.316 of 2015 with a contention that the second respondent herein is not the legal heir of the deceased Thangavel, who died on 07.06.2011 and as such, she cannot maintain the suit for partition. The learned Trial Judge rightly dismissed the application on the ground that such a ground would not come within the purview of Order VII Rule 11 of CPC. I do not find any error or illegality in the said order warranting interference by exercising revisional jurisdiction under Article 227 of the Constitution of India.

4. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

5. The learned Trial Judge is requested to dispose of the suit in O.S.No.98 of 2013 as expeditiously as possible.

28.09.2016

Index:Yes/No
svki

To

The Sub-Court, Sathyamangalam

K.K.SASIDHARAN, J.

(svki)

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