

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.549 of 2017
and
C.M.P.No.2780 of 2017

D.Selvaraj

.. Petitioner

Vs.

1. V.Sekar
2. V.Balu
3. Devaki
4. Prema

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 07.06.2016 made in I.A.No.455 of 2014 in O.S.No.693 of 2000 on the file of the Principal District Munsif Court, Alandur.

For petitioner : Mr.V.Srikanth

ORDER

The challenge is by the second defendant to the order dismissing an application filed under Order 7 Rule 11 CPC. The application is filed on the ground that the partition deed was entered into between the parties with respect to the suit property, which is the property of their father, and

therefore, Section 6(1) of the Hindu Succession Act is attracted, wherein it is categorically laid down that any partition prior to 2004 amendment, is not hit by the amendment. The said application was dismissed stating that the dispute involves question of facts, which could be decided only at the time of trial by letting oral and documentary evidence in that regard. The revision petitioner cannot have any grievance over the same, as it is still open for the petitioner to decide it at the time of trial. Considering the fact that the suit itself is for partition and the same is of the vintage 2000, a direction is issued to the Principal District Munsif, Alandur, to dispose of the said suit in O.S.No.693 of 2000 before 31.10.2017. With this direction, the Civil Revision Petition is disposed of. No costs. C.M.P. is closed.

16.02.2017

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Copy to

The Principal District Munsif, Alandur.

PUSHPA SATHYANARAYANA, J

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