



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.2221 of 2016

and

C.M.P. (MD) .No.10302 of 2016

Kandasamy
Respondent /

.. Petitioner/
Defendant

vs.

Palaniammal @ Papayee

.. Respondent/ Petitioner/
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 24.08.2016 in I.A.No.467 of 2014 in O.S.No.132 of 2011 on the file of the Additional Sub Court, Karur.

For Petitioner : Mr.K.Govindarajan
For Respondent : Mr.E.K.Kumaresan

ORDER

The defendant in O.S.No.132 of 2011 on the file of the Additional Sub Court, Karur, is the revision petitioner herein. It is a suit for partition. The battle is between the sister and brother. The revision petitioner filed his written statement claiming that a deed had been executed in his favour by the father, namely, Late Palanimalai Gounder. Issues were framed on that basis. Thereafter trial also commenced. At that stage, the plaintiff wanted to file reply statement. She wanted to contend that a son by name, Kandasamy was also born to the parents and that he passed away at the stage of 10 months and therefore, his 1/3 rd share of the ancestral property devolved upon his mother. The Court below by order, dated 24.08.2016 allowed the said application. The correctness of the said order is questioned in this Civil Revision Petition.

2. Heard the learned counsel on either side.

3. This Court is of the view that the order impugned in the Civil Revision Petition being rather discretionary in nature, does not warrant interference at the hands of this Court by exercising its jurisdiction under Article 227 of the Constitution of India. It is for the parties to establish their claims, now put forth in the main suit.



4. With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-I)

PJL

To

1.The Additional Sub Judge,
Karur.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.E.K.Kumaresan, Advocate in SR No.84145

+1cc to Mr. K.Govindarajan, Advocate in SR No.83744

C.R.P. (MD) No.2221 of 2016

NM/RSK/SAR I/25.11.18/2P/6C.