



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30..01..2020
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.306 of 2020
and
C.M.P.No.1577 of 2020

1.Mohammed Jawahar
2.Jahidha Beevi

... Petitioners

-Versus-

1.Tajunnisa
2.Fathima Beevi

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 17.10.2019 made in I.A.No.496 of 2019 in O.S.No.185 of 2016 by the learned Additional District Judge, Ulundurpet, Villupuram District.

For Petitioner : Ms.R.Poornima

ORDER

This revision has been directed against the order passed by the learned Additional District Munsif, Ulundurpet, Villupuram District, dismissing the application filed by the petitioner seeking to receive the additional written statement of the petitioners.

2. The respondents have filed the above said suit against the petitioners, who are the sisters of the respondents, for partition and separate possession of their half share. In the above said suit, after the commencement of trial, the petitioner filed the application under revision seeking to receive the additional written statement wherein the petitioners have raised a plea of partial partition. That application was dismissed by the court below. Challenging the same, the defendants have come up with the present revision petition.

3. This civil revision petition is coming up today for admission. I have heard the learned counsel for the petitioner and also perused the records carefully.



4. The application under revision has been filed on the ground that a sum of Rs.17,00,000/- which is in the hands of the petitioners has not been included in the suit schedule and the respondents seek half share only in the remaining property. Therefore, according to the learned counsel for the petitioner, the suit is bad for partial partition.

5. The court below has rightly dismissed the application holding that the suit for partition was filed in the year 2016 and the written statement was also filed in the year 2016. While so, after the commencement of the trial and when the chief examination of the plaintiffs' side evidence was over and it the case has been posted for cross examination by the defendants, the petitioners sought to receive their additional written statement. That apart, when the respondents themselves have not claimed any share in the amount which is in the hands of the petitioners, question of partial partition would not all arise. I have gone through the order impugned in this revision petition and this court does not find any infirmity in the order passed by the court below. Thus, the revision petition fails and the same is liable only to be dismissed.

In the result, this civil revision petition is dismissed and the order passed by the court below is confirmed. No costs. Consequently, connected CMP is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

kmk
To

1.The Additional District munsif, Ulundurpet, Villupuram District.

2.The Section Officer
VR Section High Court Madras

+1 cc to M/s.R.Poornima Advocate sr8039

C.R.P.No.306 of 2020

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