

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 09.11.2020]

[ORDERS PRONOUNCED ON : 20.11.2020]

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP (PD).No.1995 of 2020

and

C.M.P.No.12374 of 2020

P.R.Lavakusan

... Petitioner

.. Vs ..

R.Krishnamoorthy

... Respondent

PRAYER: Petition filed under Section 227 of Constitution of India, praying to set aside the Fair and Decretal order dated 24.07.2020 passed in I.A.No.1 of 2019 in O.S.No.950 of 2012 on the file of the III Additional Subordinate Judge, Coimbatore.

For Petitioner : M/s.R.Hemalatha

ORDER

The 9th defendant is the Revision Petitioner herein.

2. The revision petition is filed under Article 227 of the Constitution of India.

3. Challenging the order passed in I.A.No.1/2009 filed under Order 7 Rule 11 of C.P.C to reject the plaint.

4. The respondent/plaintiff has filed a suit for partition of the co-parcenary immovable property. The suit property is consisting of 10 item and schedule No.I and II item are alleged to be a separate property. Subsequently, he has filed an amendment and also there is also addition of parties. This defendant was subsequently impleaded after receipt of the summons and after impleadment, the petitioner herein has filed the above said application for rejection of the plaint, the said application was dismissed and hence, this Civil Revision Petition.

5. Heard the learned counsel for the petitioner.

6. Among the various grounds raised by the petitioner's counsel are relating to facts that are all curable defects and dismissal of the petition the trial Court, appears to justify to be correct.

7. The learned counsel for the revision petitioner herein contended that Item No.11 in the suit property is a house. However there is a bereft of details with regard to boundaries and Legal Heirs Certificate was not filed along with the plaint copy and one place a plaintiff has not signed the plaint and in the amended plaint, copy are not filed with the verification and even the partition now sought for is cannot be granted on the merits of the case.

8. The learned III Additional Sub-Judge, Coimbatore on consideration of entire matter and also taking note of the scope of the enquiry that could be conducted under Order 7 Rule 11 C.P.C has found that the plaint was said to have been under valued is not true by adducing any documentary evidence and accordingly rejected the petition.

9. After going through the records and submission of counsel for the petitioner herein, I do not find any valid reasons for entertaining the revision. All the issue that is agitated is to be taken consideration during trial and if sufficient copies are not furnished to the newly added the parties, the trial Court is hereby directed to ensure the copies of the plaint and other documents that are necessary to be served under C.P.C to the newly added parties within 8 weeks.

10. With these directions, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P is closed.

20.11.2020

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Speaking Order: Yes

Internet: Yes/No

To

The III Additional Subordinate Judge, Coimbatore.

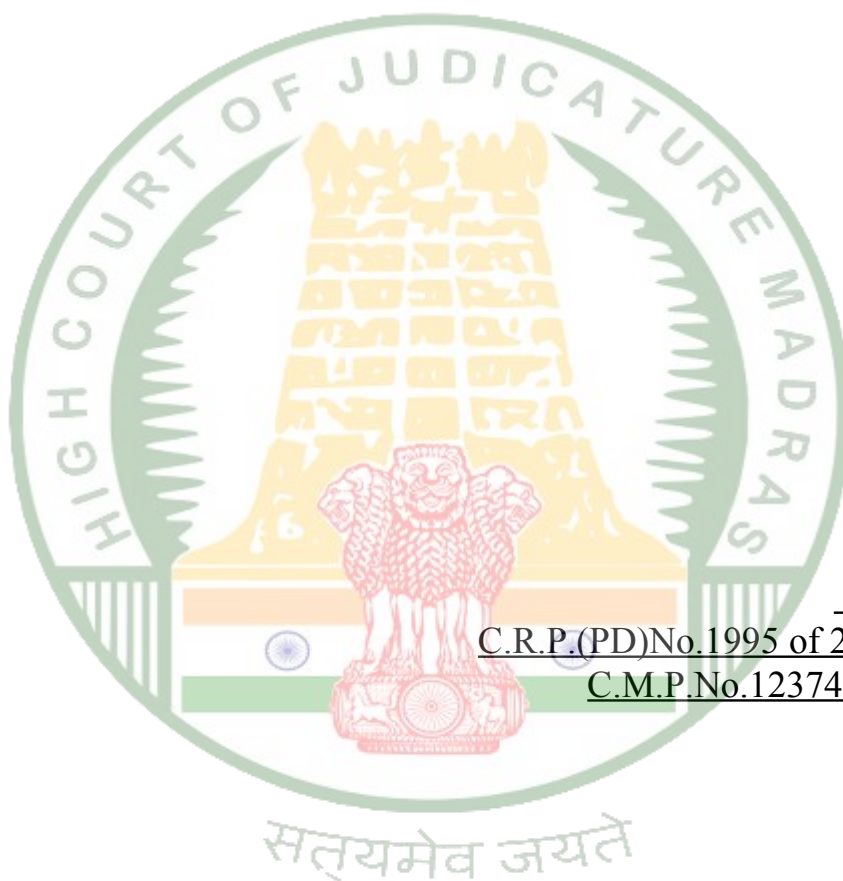


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RMT.TEEKAA RAMAN,J.,

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Order in
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