

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.3053 of 2015

and

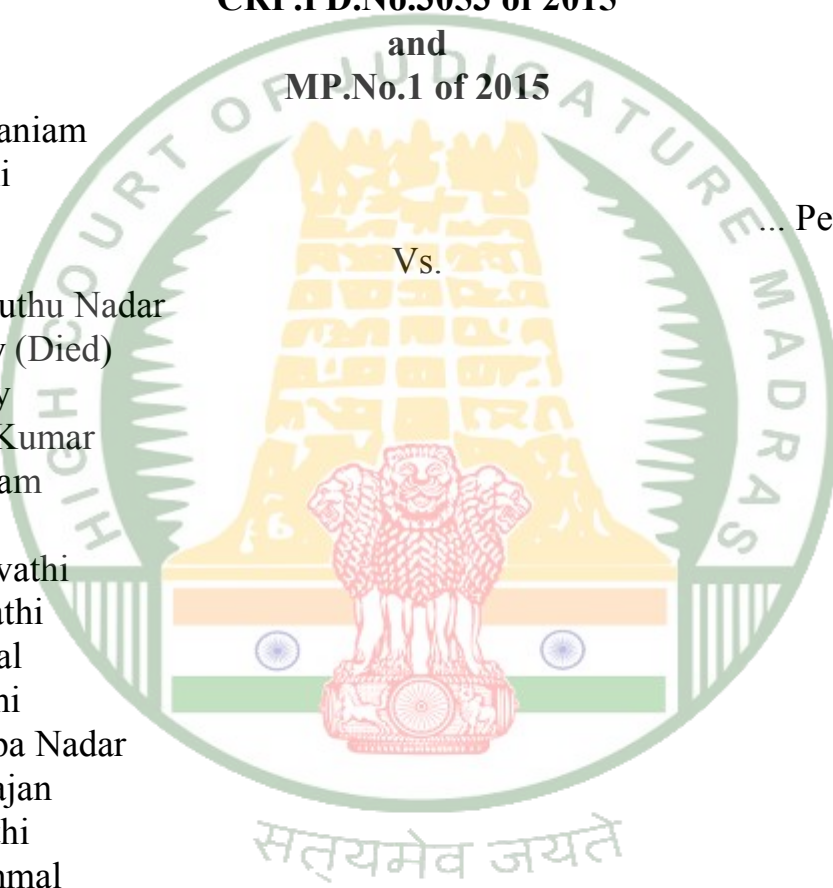
MP.No.1 of 2015

1. Subramaniam
2. Pappathi
3. Shanthi

... Petitioners

Vs.

1. Nachimuthu Nadar
- Duraisamy (Died)
2. Moorthy
3. Suresh Kumar
4. Sadasivam
5. Sobana
6. Thilagavathi
7. Saraswathi
8. Ramathal
9. Sivakami
10. Rasappa Nadar
11. Nagarajan
12. Pappathi
13. Suriammal
14. Gomathi
15. Ravi
16. Nallasamy
17. Valliammal
18. Rasammal
19. Ayyavu
- Karuppa Nadar (Died)
20. Nataraj



WEB COPY

21. Machathal
22. Sarasathal
- Ramathal (Died)
- Ammaniammal (Died)
23. P.Santhi
24. N.Muthusami
25. Perienbam
26. Sulochana
27. K.Velliangiri
28. K.Senthil
29. Rajeswari
30. C.Santhi
31. K.Rani
32. Nagammal
33. Kannammal
34. Rasammal

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 17.03.2015 made in I.A.No.883 of 2013 in O.S.No.71 of 2009 on the file of the Subordinate Court, Perundurai by allowing the Civil Revision Petition.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.N.Manokaran (for R23)
: Not Ready in Notice (No Appearance)
(for R1 to R22, R24 to 34)

ORDER

This Civil Revision Petition is directed as against the order and decretal order passed in I.A.No.883 of 2013 in O.S.No.71 of 2009 dated 17.03.2015 on the file of the learned Subordinate Judge, Perundurai.

2. The petitioners are the plaintiffs. The respondents are the defendants in the suit filed by the petitioners for partition in the year 2006. After examining himself as P.W.1 and marked documents as Exs.A.1 to A.7, the petitioners came to understand that the some of the properties were left out to be included in the partition suit.

3. On a perusal of the affidavit, it reveals that they obtained Computer Patta and only thereafter, they came to understand those properties were not not subjected to partition. The Court below dismissed the same for the reason that Exs.A.3 to A.7 are the Computer Pattas which were marked through P.W.1 dated 18.01.2006 and 25.11.2005. Those documents were filed along with the plaint. On a perusal of the plaint, no such documents were included as plaint documents. However, according to the plaintiffs some of the properties were left out for partition. Therefore, no prejudice would be caused to the defendants as well as the subsequent purchasers. Since the subsequent purchasers purchased part of the suit properties which were already subjected to the partition.

G.K.ILANTHIRAIYAN,J.

Kv

4. In view of the above discussion, this Civil Revision Petition is allowed and the order passed in I.A.No.883 of 2013 in O.S.No.71 of 2009 dated 17.03.2015 is set aside. The Court below is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

kv

To

The Subordinate Judge, Perundurai

WEB COPY

CRP.PD.No.3053 of 2015