

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

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

C.R.P.(PD)No.2682 of 2018
and C.M.P.No.15925 of 2018

Sivagami

.... Petitioner

Vs.

1. Gurusamy

2. Thangamuthu

3. Gunasundari

4. Krishnamurthy

5. Banumathi

.... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.06.2018 made in I.A.No.118 of 2018 in O.S.No.15 of 2017 on the file of the Subordinate Court, Perundurai.

For Petitioner : Mr.K.Sudhakar

For Respondents : No appearance

ORDER

This Civil Revision Petition is directed as against order dated 18.06.2018 passed by the learned Subordinate Judge, Perundurai in I.A.No.118 of 2018 in O.S.No.15 of 2017, thereby dismissing the petition to direct the defendants/respondents to begin the trial.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit in O.S.No.15 of 2017 for partition claiming her share in the suit properties. The respondents filed written statement and specifically averred that in the suit schedule properties, item No.1 of the suit property was allotted to their father as per the partition deed dated 27.03.1968. From the income derived from the said property, he purchased second item of the suit schedule property. The first respondent herein alone is doing the business run by their father. The item No.3 of the suit schedule property was purchased by the first respondent from the income derived from his business. Therefore, the petitioner is not entitled for any share in the suit properties.

3. Even then, the petitioner filed petition in I.A.No.118 of 2018 for direction to direct the first respondent to begin the trial, as if the first defendant admits the fact alleged by the petitioner. Therefore, the Court below rightly dismissed the said petition and this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.06.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

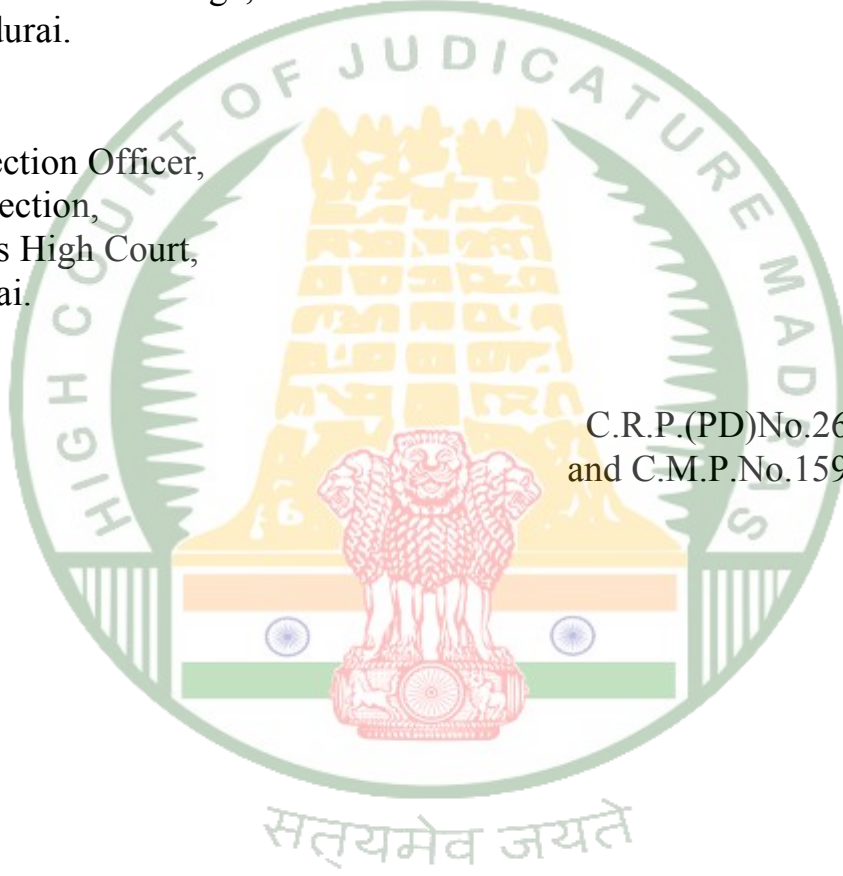
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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Subordinate Judge,
Perundurai.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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