

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

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

C.R.P.(PD)No.2901 of 2018
and C.M.P.No.16981 of 2018

Chinnakannu @ Thulasimani Petitioner

Vs.

1. Pachiammal
2. Savithri Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 24.11.2014 made in I.A.No.549 of 2017 in O.S.No.119 of 2012 on the file of the V Additional District Court, Coimbatore.

For Petitioner : Mr.J.Hariharan
For. M.V.Nicholas

For Respondents : Mr.P.Saravana Sowmiyan

ORDER

This Civil Revision Petition is directed as against order dated 24.11.2014 passed by the learned V Additional District Judge, Coimbatore in I.A.No.549 of 2017 in O.S.No.119 of 2012, thereby dismissing the petition for rejection of plaint.

2. The petitioner is the fifth defendant and the respondents are the plaintiffs. The respondents filed suit in O.S.No.119 of 2012 for partition. While pending the suit, the petitioner filed petition in I.A.No.452 of 2017 to frame the additional issues as to decide the suit in respect of non-payment of proper Court fee. The same was allowed for the reasons that the respondents had no objection. Therefore, on the ground of non payment of proper Court fee, the petitioner filed petition in I.A.No.549 of 2017 for rejection of plaint, since in the petition in I.A.No.452 of 20174 the respondents had no objection. The Court below dismissed the said petition as against which the present Civil Revision Petition.

3. On perusal of the impugned order, the Court below dismissed the petition for the reason that one co-sharer would be deemed to be the possession of other co-sharers and whether the respondents being the plaintiffs would come within the purview of the same could be considered only during the trial by providing both sides with reasonable opportunity to substantiate their contention on merit. Further concluded that though the petitioner raised the contention that the suit property had been under valued,

she did not produce any material on record to substantiate the said contention. Therefore, the trial Court rightly dismissed the petition for rejection of plaint and this Court finds no infirmity or illegality 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 cost.

28.06.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
rts

To

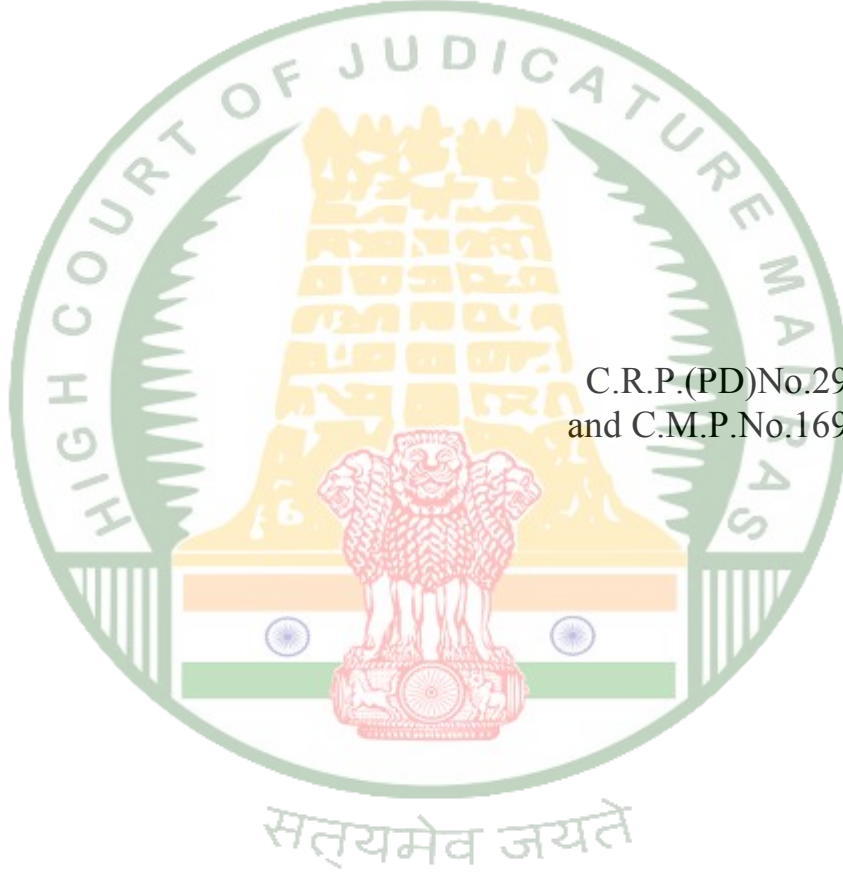
1. The V Additional District Judge,
Coimbatore

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

C.R.P.(PD)No.2901 of 2018

G.K.ILANTHIRAIYAN, J.

rts



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