



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 12TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No. 1626 of 2022

in

C.S.No. 547 of 2019

Dr.Selvi S.
W/o.G.Sampath
No.W-426-D,
2nd Avenue, 'C' Sector,
Anna Nagar West Extention,
Chennai – 101.

... Plaintiff

-Vs-

Mr.G.Sampath,
son of P.Gopal,
No.56/134, South Redhills Road,
Villivakkam, Chennai.

... Defendant

A.No. 1626 of 2022:-

G.Sampath,
son of P.Gopal,
No.56/134, South Redhills Road,
Villivakkam, Chennai.

... Applicant

Vs.

Dr.Selvi S.
W/o.G.Sampath
No.W-426-D,



2nd Avenue, 'C' Sector,
Anna Nagar West Extension,
Chennai – 101.

... Respondent

Application praying that this Hon'ble Court be pleased to recast the issues already framed in the above suit on 24.02.2022.

This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed by the applicant/defendant to recast the issues already framed in the above suit on 24.02.2022.

2. In the suit for partition and permanent injunction, now the applicant has come forward with this application and stated that, during the lifetime of the husband, the wife is not entitled for any partition and therefore, issues may be re-casted.

3. Even though the issue raised by the applicant is already framed by this Court in the earlier occasion i.e (i) whether the plaintiff is entitled for a preliminary decree for partition as prayed for in the plaint ?

4. The issue raised by the applicant and the nature of evidence need not be in the form of issue and therefore, existing issues will meet out the requirements of the parties, and hence, there is no need to recast the issues as prayed for in the application.



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5. In view of the above, this application is dismissed.

6. Registry is directed to place the matter before the learned Master for recording evidence.

Sd./-PVJ.

12/04/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK 19/04/2022