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C.R.P. (PD) No.1732 of 2022
and C.M.P. No.8737 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.1732 of 2022
and C.M.P. No.8737 of 2022

Srinivasalu Naidu (Deceased)

...

Petitioner /
1st Plaintiff

(Cause title accepted vide order dated 25.04.2022 made in C.M.P.No.7134 of 2022 in CRP.SR.No.34344 of 2022)

1.N.S.Suriya Babu

2.N.S.Santha Kumari

...

Petitioners /
L.Rs of the petitioner

versus

1.Chinnappa Naidu

2.Chandran Naidu

3.Jothiammal

4.Prabavathi

5.Boopalan

6.Kamala

7.Kasthuri

8.Lakshmi

9.Vijaya

10.Lakshmiammal

11.Revathi

12.Sathyanatham

13.Ganesan

14.Gnanambal



15.Sujatha
16.Sumathi
17.Naveenkumar
18.Subhasree
19.Vikram
20.Margabandhu Chowdri
21.Saraswathi
22.S.Banumathi
23.N.Raja Babu

...

Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.02.2021 passed in I.A.No.Nil of 2020 in O.S.No.4 of 1999 on the file of the learned Subordinate Judge, Gudiyatham, Vellore District and allow this petition.

For Petitioners : Mr.J.Shanmuga Sundara Babu

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Gudiyatham, Vellore District, made in unnumbered I.A.No.Nil of 2020 in O.S.No.4 of 1999.

2. The revision petitioner is the first plaintiff in the suit. The first plaintiff has filed the suit in O.S.No.4 of 1999 for the relief of partition. After the preliminary decree was passed, the first plaintiff has filed this



unnumbered petition to include some properties in the final decree proceedings. The learned trial Judge rejected the said petition. Aggrieved over that, the first plaintiff has preferred this Civil Revision Petition.

3. After passing the preliminary decree, if the character of the properties is not under challenge, they can be included in the final decree proceedings and that can be only on case to case basis. In the suit, the civil revision petitioner wanted to include certain properties, which are claimed to be self-acquired properties of the 8th defendant, who is the mother of the plaintiff and the defendants 2 to 5. Since the original owner of the said property died subsequent to the preliminary decree, the cause of action in respect of those properties for partition between the legal heirs will not arise in the suit which has been filed in the year 1999. The learned trial Judge has rightly dealt the merits of the petition and disallowed the same. Hence, I do not find ground for interference.

4. Hence, this Civil Revision Petition is dismissed and the order dated 12.02.2021 passed by the learned Subordinate Judge, Gudiyatham, Vellore District, in unnumbered I.A.No.Nil of 2020 in



O.S.No.4 of 1999 is hereby confirmed. Consequently, connected
Miscellaneous Petition is closed. However, there is no order as to costs.

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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Subordinate Judge,
Gudiyatham, Vellore District.



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R.N.MANJULA, J.

sri

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