



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.629 of 2022 and
CMP(MD).No.2598 of 2022

1.Ayyavu
2.Chellakannu : Petitioner / Respondent 1&2 /
Dfendant 1&2
Vs.
1.Poomathi : 1st Respondent/Petitioner/ Plaintiff
2.Rengasamy
3.Savithiri
4.Rasu
5.Balu
6.Amutha @ Jayamathi
7.Lakshmi
8.Ariyal
9.V.C.S. Selvaraj : Respondents 2 to 9/ Respondents 3 to 11/
Defendant 3 to 11
10.V.C.S.Murthy
(R7 & 8 remained exparte before lower Court)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.83 of 2020 in O.S.No.212 of 2017 on the file of the Sub Court, Aranthangi, dated 07.02.2022.

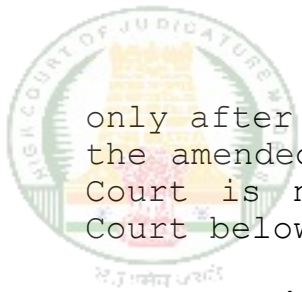
For petitioner : N. Balakrishnan

ORDER

These revision petitioners / defendants filed this revision to set aside the order, dated 07.02.2022 passed in I.A.No.83 of 2020 in O.S.No.212 of 2017, to include the certain properties for partition.

2. Heard the learned counsel appearing for the petitioners. Since no adverse order passed against the respondents, notice to the respondents is not necessary.

3. The revision petitioners / defendants claimed that already there was a partition and the amended plaint properties were allotted to one Pottammal and the said Pottammal executed a Will to the revision petitioners. All these questions should be decided



only after trial. Whether the plaintiff is entitled to any share in the amended property can also be decided only in suit. Hence, this Court is not inclined to interfere with the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 07.02.2022 passed in in I.A.No.83 of 2020 in O.S.No.212 of 2017 on the file of the Sub Court, Aranthangi.

5. The suit was originally filed in the year 2015 in O.S.No.91 of 2015 and thereafter, it has been transferred to Sub Court, Aranthangi and re-numbered as O.S.No.212 of 2017. Since the suit is pending from 2015, the Sub Court, Aranthangi is directed to dispose the same within a period of three months from the date of receipt of a copy of this order.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Sub Judge, Aranthangi.

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RD(07.04.2022) 2P 2C