



CRP No.4321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4321 of 2023

and

C.M.P. No. 26301 of 2023

1. T.Radhabai
2. T.Srinivasan

... Petitioners

Vs.

1. M.Uma Maheswari
2. B.Hemalatha
3. S.Ammu

...Respondents

Prayer : Civil Revision Petition filed Under Article 227 of Constitution of India, to direct the Hon'ble XVI Additional District City Civil Court to take the “unnumbered interim application in O.S.No.9368 of 2021 dated 16.06.2022 on file.

For Petitioners : Mr.G.S.Prabu



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ORDER

This Civil Revision Petition has been filed to to direct the Hon'ble XVI Additional District City Civil Court to take the “unnumbered interim application in O.S.No.9368 of 2021 dated 16.06.2022 on file.

2. The respondents/plaintiffs have filed a suit for partition. In order to reject the plaint, the petitioners/defendants have filed an application before the Trial Court and the same has been dismissed by the learned Trial Judge by holding that the petition is not maintainable.

3. According to the petitioners, already the plaintiffs' share were released, but only to harass the petitioners/defendants, they filed a suit for partition.

4. Considering the submission made by the learned counsel appearing for the petitioners, the Trial Court is directed to take the plaint on file and number the same, if it is otherwise found to be in order and after giving an opportunity to both sides to prove their defence, the Trial Court shall dispose of the same on merits and in accordance with law.



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5. Accordingly, this Civil Revision Petition is allowed. Connected miscellaneous petition is closed. However, registry is directed to return the plaint enclosed along with this petition to the petitioners/defendants. On such return of the plaint, the learned Trial Court is directed to take the same on file within a period of two weeks. No costs.

05.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To
1. The XVI Additional City Civil Court, Chennai.
2. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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