



C.R.P. (PD) No.2426 of 2019 and
C.M.P. No.15872 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. (PD) No.2426 of 2019 and C.M.P. No.15872 of 2019

1.M.Aruchamy

2.A.Moorthy

... Petitioners

Vs.

1.G.Nandhinikumari

2.Minor Charuyaksha

rep. by Guardian and mother

G.Nandhinikumari

... Respondents

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 10.12.2018 made in I.A. No.598 of 2018 in O.S. No.349 of 2018 on the file of 1st Additional District Court, Coimbatore.

For Petitioner

:

Mr.N.Umapathi

For Respondent

:

Mr.V.Ayyadurai, Senior Counsel
for M.Sivavarthan

ORDER



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The suit is laid by the respondents as plaintiffs for maintenance and also to create a charge over certain properties and also for partition of the property. The suit is laid against three defendants of whom the third defendant is the husband of the first plaintiff and father of the second plaintiff. The first defendant is the father of defendants 2 and 3.

2. The first defendant has taken out an application seeking rejection of the plaint on the ground that the property in question is his absolute property. This application was dismissed, challenging which the defendants 1 and 2 are before this court in this revision.

3. Heard both sides and perused the materials available on record.

4. Whether the property is the personal property of the first defendant or is the property in relation to which the plaintiffs can seek relief is a matter for trial and it cannot be presumed prematurely at this stage. This court therefore, does not find any need to interfere with the order of the trial court. Accordingly, the revision is liable to be dismissed.



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5. The civil revision petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

6. Before the trial court takes up the matter for trial, it is required to explore the possibility of an amicable settlement through mediation. By consensus of parties Mr.P.S.Rathna Kumar, (Enrollment No.MS 543/1986, Mobile No.9944483283) an Advocate in Coimbatore Bar is appointed as the Mediator. The parties and their counsel are required to contact the mediator. The trial court is required to expedite the trial.

09.03.2023

Asr

To
The I Additional District Judge, Coimbatore

N.SESHASAYEE, J.,



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