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CRP.No. 3155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 3155 of 2023

C.Govindan

... Petitioner

Versus

1.C. Ganesan
2.C. Shanmugam
3.Nasi
4.The Sub Registrar
Jolarpet,
Tirupattur Taluk and District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to set aside the fair and decretal order in SR.No. 867 of 2023 in O.S.No. Nil of 2023, dated 27.04.2023 on the file of the III Additional District and Sessions Judge, Vellore at Tirupattur.

For Petitioner : Mr. V. Nicholas



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ORDER

Heard the learned counsel for the petitioner and perused the materials available on record.

2. On a perusal of the records, it is seen that the suit was filed by the petitioner/plaintiff for partition and other reliefs. After perusing the records, the Court below has rejected the plaint in SR.No. 867 of 2023 in O.S.No. Nil of 2023, dated 27.04.2023 on the ground that barred by limitation. Challenging the same, the petitioner/plaintiff has filed the present Civil Revision Petition.

3. It is further seen that the question of properties were partitioned among the family members by a deed of partition dated 26.02.2013. The petitioner/plaintiff came to know that the common properties have been settled in favour the second defendant by way of Document No.7, dated 19.09.2008. Hence, the suit for declaration of the settlement deed dated 19.09.2008 in Document No. 2637 of 2008 as null and void and partition of the said property. As per the admitted Document of Partition Deed by way of Document No. 3575 of 2013, dated 26.12.2013 there is recital stating that there are no properties for further partition as on that date. Therefore, all the



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issues have to be decided only after numbering the suit.

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4. Considering the above facts and circumstances of the case and the submission made by the learned counsel for the petitioner, this Court directs the Court below to number the suit in SR.No. 867 of 2023 in O.S.No. Nil of 2023, dated 27.04.2023. After numbering the suit, the Court below is directed to pass appropriate orders on merits in accordance with law.

5. With the above directions, the Civil Revision Petition is disposed of. However, there shall be no order as to costs.

31.08.2023

Speaking Order : Yes/No+
Neutral Citation : Yes/No
MSM

To

1. The III Additional District and Sessions Judge,
Vellore at Tirupattur.
2. The Section Officer,
V.R.Section, High Court of Madras.



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V.BHAVANI SUBBAROYAN, J

MSM

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