



C.R.P.(PD)No.2392 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD)No.2392 of 2017

and

C.M.P.No.11280 of 2017

1.Lakshmi
2.J.Ramesh
3.J.Suresh

.... Petitioners

Vs

R.Jnanesh (Minor)

Represented by his next friend Mother

Visahalakshmi

.... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the plaint in O.S.No.264 of 2016 on the file of the Principal / Additional District Munsif of Thiruchengode, Namakkal District and to strikeout the plaint.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed to strikeout the plaint in O.S.No.264 of 2016 on the file of the learned Principal / Additional District Munsif of Thiruchengode, Namakkal District.



WEB COPY

2. The petitioners are the defendants in the suit filed by the respondent for partition in respect of the suit property.

3. According to the respondent, the suit properties are ancestral properties of the minor plaintiff and the defendants 2 and 3, which originally belonged to the deceased Nanjappa Gounder. During his life time, his siblings were entered into a registered partition deed, dated 11.12.1963. After the demise of the said Nanjappa Gounder, his legal heirs namely the grand father of the minor plaintiff T.N.Jaganathan and his mother Pavayammal and his brother T.N.Sakthivelu had entered into a registered partition deed dated 09.03.1998, whereby the properties enumerated in the "B" - Schedule was allotted to the grandfather of the respondent herein.

4. According to the petitioners, the suit summons does not contain the description of suit schedule property. The description of suit schedule property alone would suffice to dismiss the suit.

5. On perusal of the plaint, it contains the facts and several issues and it requires full fledged trial, therefore, it cannot be strike off on its



C.R.P.(PD)No.2392 of 2017

threshold.

WEB COPY

6. In view of the above, this Court finds no reason to strike out the plaint in O.S.No.264 of 2016 on the file of the Principal / Additional District Munsif of Thiruchengode, Namakkal District and the revision fails.

7. In the result, this Civil Revision Petition is dismissed and the trial Court is directed to dispose of the suit as early as possible preferably within a period of one year from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
ssn



WEB COPY



C.R.P.(PD)No.2392 of 2017

G.K.ILANTHIRAIYAN, J.,

ssn

To

The Principal / Additional District Munsif of Thiruchengode,
Namakkal District.

C.R.P.(PD)No.2392 of 2017
and
C.M.P.No.11280 of 2017

24.01.2023