



OSA.No.22 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

OSA.No.22 of 2024
and
C.M.P.No.3528 of 2024

S.Senthilnathan

...Appellant

Vs.

1.Meenakshi Achi

2.S.Tamizhselvan

3.S.Karthikeyan

...Respondents

Prayer: Original Side Appeal filed under XXXVI Rule 1 of the Original Side Rules of High Court r/w. Clause 15 of Letters Patent, against the preliminary judgment and decree passed in C.S.No.141 of 2023 dated 18.12.2023

For Appellant : Mr.J.R.K.Bhavanantham
for Mr.N.V.Prakash



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J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We see no merit in the appeal. A suit for partition has been disposed of by the learned Single Judge on the ground that there were no triable issues, since the defendant had admitted the share of the plaintiff in the suit property even in the written statement.

2.The only contention that is sought to be urged by Mr.J.R.K.Bhavanantham, learned counsel for the appellant is that the defendant, in his written statement, has pleaded that another property, which stands in the name of the 1st plaintiff, which was purchased in her name by the father has not been made subject matter of the suit. Though there is a plea in the written statement to that effect, the defendant has not taken any steps to include the property in the suit, to pay Court fee and seek partition. Therefore, we do not see any error in the disposal of the suit by the learned Single Judge on the ground that there is no triable issue. The learned Single Judge has also taken care to preserve the right of the defendant with reference to the property that allegedly belong to the family according to the defendant.



3.Hence, this Original Side Appeal is **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
19.02.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : No



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