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C.R.P.No.990 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.990 of 2024
and
C.M.P.No.5084 of 2024

1.Parthiban
2.P.Abinaya

... Petitioners

Vs.

1.A.C.Kalaiselvi
2.V.Umarani
3.Muthu
4.Murugesan
5.M.Chithra
6.S.Rajathilagar
7.Vijayalakshmi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off the plaint in suit in O.S.No.839 of 2023 on the file of Principal District Judge, Coimbatore

For Petitioner : M/s.S.Akila



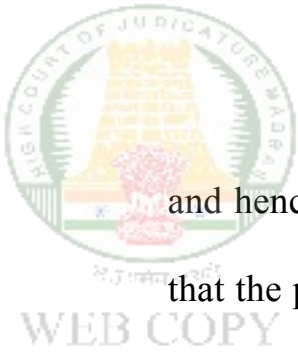
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ORDER

WEB COPY The Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.839 of 2023 on the file of Principal District Court, Coimbatore.

2. The 1st petitioner and respondents 1 and 2 are children of one Vanjiyappa Gounder. The 2nd petitioner is the daughter of 1st petitioner. The respondents 1 and 2 filed the instant suit seeking declaration that registered partition deed dated 15.11.1999 entered between 1st petitioner, his father Vanjiyappa Gounder and mother, Nachammal was null and void and for other consequential reliefs declaring subsequent alienations made by the petitioner in favour of other defendants also null and void. The respondents 1 and 2 also sought for a decree for partition of their 2/3rd share.

3. The petitioners herein filed this revision by invoking Article 227 of Constitution of India on the ground that suit property was allotted to 1st petitioner under registered partition deed dated 15.11.1999 entered between 1st petitioner, his father Vanjiyappa Gounder and mother, Nachammal. It is the case of the respondents 1 and 2 that suit properties are ancestral properties



and hence, they are also entitled to a share in the suit property. They claimed that the partition deed entered between 1st petitioner, Vanjiyappa Gounder and Nachammal excluding the other co-parceners namely respondents 1 and 2 was not valid.

4. The learned counsel for the petitioners vehemently contended that respondents 1 and 2 got married prior to coming into force of Hindu Succession (Tamil Nadu Amendment) Act, 1989 (1 of 1990) and hence, the respondents are not entitled to any share in the suit property. Whether the respondents 1 and 2 got married prior to Act 1 of 1990 and whether they have got any right or share in the suit property are all matters which have to be gone into by the Trial Court based on the evidence to be let in by the parties. Therefore, the petitioners have not made out any case to invoke supervisory jurisdiction under Article 227 of Constitution of India to strike off the plaint. Accordingly, the Civil Revision Petition stands dismissed.



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5. As per the law laid down by the Hon'ble Apex Court in the case of *Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society reported in MANU/SC/1365/2019*, when the petitioner got an effective remedy before the Trial Court, this Court is not inclined to exercise supervisory jurisdiction. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

Index : Yes / No

Internet : Yes / No

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To

The learned Principal District Judge, Coimbatore



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S.SOUNTHAR, J.

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