



C.R.P. (PD), Nos. 3601 & 3602 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

**THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN**

**C.R.P. (PD). Nos. 3601 & 3602 of 2024**

**C.R.P.No.3601 of 2024:**

1.Saraswathi

2.Sundaram

...Petitioners

Vs.

Munusamy

...Respondent

**Prayer:** Petition is filed under Article 227 of the Constitution of India to direct the District Munsif, Polur, Thiruvannamalai to number the suit in O.S.Sr.No.1121 of 2024.



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**C.R.P.No.3602 of 2024:**

1.Saraswathi

2.Sundaram

...Petitioners

Vs.

1.Munusamy

2.Sivam

...Respondents

**Prayer:** Petition is filed under Article 227 of the Constitution of India to direct the District Munsif, Polur, Thiruvannamalai to number the suit in O.S.Sr.No.1120 of 2024.

For Petitioners : Mr. P.Satheesh Kumar  
(In both petitions)

**ORDER**

O.S.Sr.No.1120 of 2024 is a suit for partition of the property, which the plaintiff pleads ancestrally belongs to the family consisting



of the plaintiff and the defendant. O.S.Sr.No.1121 of 2024 is a suit for partition of the assets belonging to Murugan, the plaintiff's father, as his self acquisition.

2. Claiming partition of the ancestral properties and the self acquired properties, two separate suits had been presented. The cause of action for O.S.Sr.No.1120 of 2024 arose when the plaintiff was born. The cause of action for O.S.Sr.No.1121 of 2024 arose on the death of her father, Murugan. The cause of action being separate, the plaintiff had been advised to file two separate suits.

3. The learned District Munsif, Polur, Thiruvannamalai, is right in holding that both the reliefs could have been sought for in the same suit. Yet, the plaintiff does not want to club the cause of action and file a single suit. There is no bar under the law preventing the plaintiff from filing suits separately for ancestral and self acquired properties. In fact, the parties to the suit, apart from the 2<sup>nd</sup> defendant are the same.



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4. Be that as it may, as directed by this Court in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited – (2021) 5 MLJ 467***, at the time of numbering of the plaint, the Court need not to go into the issues or cause of action etc,. That is for the defendant to raise, in case he is so advised. Since the cause of action are different and as the plaintiff has a right to file separate suits, the return dated 26.07.2021 is set aside. The learned Trial Judge shall number the suits, if they are otherwise in order and issue summons to the defendants.

5. Accordingly, the Civil Revision Petitions are ordered. No costs.

**05.09.2024**

Index : Yes/No  
Internet : Yes/No  
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***Note:*** The Registry is directed to return the original plaints that have been presented before this Court, to the learned counsel on record for the petitioner, after obtaining necessary endorsement.



*C.R.P. (PD), Nos. 3601 & 3602 of 2027*

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To

The District Munsif,  
Polur,  
Thiruvannamalai.



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**V.LAKSHMINARAYANAN, J.**

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**05.09.2024**