



CRP.No.1272 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1272 of 2020

and

CMP.Nos.3603 of 2023 & 6913 of 2020

1.T.N.Sridharan
2.T.N.Sriram
Petitioners

...

Vs.

1.Y.Naganandini
2.Satheesh Kumar
3.T.N.Pushpalatha
4.T.N.Devanathan
5.T.N.Padmaja Devi
6.T.N.Srinivasan
7.G.Vijayalakshmi

...Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, to set aside the fair and decreetal order dated



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16.10.2019 passed in IA.No.10411 of 2018 in OS.No.9562 of 2010 on the file of the VII Additional City Civil Judge, Chennai, by allowing this Civil Revision Petition.

For Petitioners : Mr.M.Purushothaman

For Respondents : Mr.G.Mutharasu for R1 & R2
Mr.V.G.Suresh Kumar for R3 to R6
Mr.P.Venugopal for R7

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioners/defendants 3 & 5 seeking dismissal of the suit in OS.No.9562 of 2019 filed by the respondents 1 & 2.

2. It is the case of the petitioners that once the preliminary issue is decided in favour of the seventh respondent as if she is the legally wedded wife of Govindan, the suit that was filed by the respondents 1 & 2 claiming themselves as Class-2 legal heirs is liable



to be dismissed.

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3. The seventh respondent herein filed a counter to this petition stating that she had no knowledge about the Govindan's right over both the items of suit property and she had been made to believe that she was given one item of suit property on compassionate ground. She also raised a plea that respondents 1 & 2 had no right over the suit property and sought for dismissal of suit.

4. Whether the suit filed by the respondents 1 & 2 is maintainable or not, and whether the petitioners/defendants 3 & 5 are entitled to raise the maintainability of the partition suit along with the other issues in respect of item No.2 can be decided during final hearing of the suit. Now, by virtue of order passed in CRP.No.4141 of 2015 all the parties to the suit are given liberty to raise their respective objection in respect of item No.2 and the Court below is directed to decide the



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suit in respect of item No.2. The issue raised by the petitioners that the suit filed by the respondents 1 & 2 is not maintainable when the Class-1 legal heirs namely, seventh respondent is alive is also to be decided by the Court below at the time of final disposal along with the other issues.

5. With these observations, this Civil Revision Petition is disposed of and the Court below is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.01.2024
(2/2)

Index : Yes / No
Internet : Yes / No
dna

To

4/5



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The VII Additional City Civil Judge, Chennai.

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S.SOUNTHAR, J.

dna

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