



CRP.No.2716 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

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D.Kandhasamy

...Petitioner

Vs.

1. M.Priya

2. S.Mohan

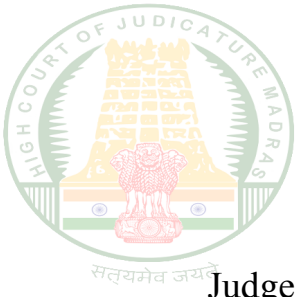
...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, as against the Docket order dated 28.03.2025 passed in O.S.SR.No.1957 of 2025 on the file of the Hon'ble Court, Subordinate Judge, Tiruvarur.

For Petitioner : Mr.D.Padmanabhan

ORDER

This Civil Revision Petition has been preferred by the plaintiff seeking the suit in SR.No.1957 of 2025 on the file of the Subordinate



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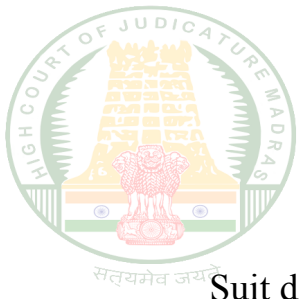
Judge, Thiruvarur filed for declaration and recovery of possession against the defendants, to be taken on file.

2. It is the case of plaintiff that originally his father was the owner of the suit property and thereafter, the plaintiff has become entitled to the suit property and revenue records are also mutated in his name.

3. The Registry has directed impleadment of the other Legal Heirs of the father viz., Dhakashnamurthy and the case of the plaintiff is that the whereabouts of his siblings are not known and further, relief is sought for only against the third parties and therefore, the suit is maintainable.

4. I have heard the learned counsel for the petitioner and I have also perused the plaint and the materials placed on record.

5. Learned counsel for the petitioner would state that the petitioner has even filed the Legal heirship Certificate of his father as one of the



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Suit documents and therefore, there is no suppression on the part of the plaintiff and in any event, the learned counsel for the petitioner would state that, the decree is only sought against the third parties and not against the family and only in order to protect the property. It is also stated that the revenue records are also mutated in his individual name and not in the name of his siblings.

6. In the light of the above, there can be no impediment for the trial Court to number the suit and take it on file. These issues can always be decided at the time of the trial, if raised by the defendants.

7. Accordingly, this Civil Revision petition is allowed and the Sub Court, Thiruvarur is directed to number the suit in SR.No.1957 of 2025 and take up the same on file for final disposal on merits and in accordance with law. No costs.



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8. Registry is directed to return the original plaint to the learned counsel for the petitioner enabling him to represent the same before the trial court.

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skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The Subordinate Judge,
Tiruvarur.



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P.B. BALAJI, J.

skt

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