



WEB COPY

CRP. No.2929 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. No.2929 of 2024

P.Kalpana Sowmi

Petitioner

Vs

Baskar

Respondent

PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to set aside order passed in I.A. No.1 of 2022 in O.S. No.318 of 2019 dated 06.02.204 on the file of the learned Additional District Judge, Kancheepuram District at Chengalpattu by allowing this Appeal.

For Petitioner : Mr.K.Kannan

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed to set aside order passed in I.A. No.1 of 2022 in O.S. No.318 of 2019 dated 06.02.204 on the file of the learned Additional District Judge, Kancheepuram District at Chengalpattu.

2. Heard Mr.K.Kannan, learned counsel for the revision petitioner.

Despite service of notice, the respondent has neither chosen to appear in



person or through counsel. The respondent is called and set ex-parte.

WEB COPY 3. The learned counsel for the petitioner states that the suit has been filed for dissolution of the partnership Firm, rendition of account and for a further direction to the defendant to pay the plaintiff, 50% shares of profits of the partnership business. Further reliefs to pass a preliminary decree, as well as recovery of sum of Rs.34,65,950/- have also been sought for.

4. Pending the suit, the petitioner had filed I.A. 1 of 2022 under Section 94(e) and Section 151 of CPC, seeking a direction to the respondent/defendant to pay or deposit half of the income derived from the suit property. The said Application has been dismissed by the Trial Court on 06.02.2024 and aggrieved by the same, the plaintiff is before this Court.

5. The learned counsel for the petitioner Mr.Kannan, would submit that pending the suit for dissolution of the partnership business, the respondent should not be allowed to enjoy the entire fruits of the business profits and therefore, the Application under Section 94(e) had been filed. However, the Trial Court has dismissed the said Application on erroneous grounds.



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6. I have gone through the order impugned in the revision petitioner. In my considered opinion, the Trial Court has rightly held that the question of whether the petitioner/plaintiff is entitled to profits and if so, to what extent, are all matter for trial, which can be decided only after the parties lead oral and documentary evidence and therefore such an interim order cannot be granted as prayed for. I do not find any illegality or error committed by the Trial Court in this regard. Hence, I do not find merit in this revision.

7. Accordingly, this Civil Revision Petition is dismissed. However, considering the fact that the suit is pending from 2019 onward, a direction is issued to the learned Additional District Judge, Kancheeruram District at Chengalpattu to dispose of the said suit within a period of four months from the date of receipt of the copy of the order. No costs.

12.06.2025

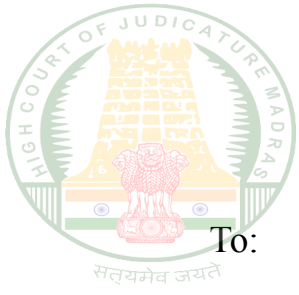
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Index : Yes / No

Internet : Yes / No

P.B.BALAJI, J.,

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To:

WEB COPY The Additional District Judge,
Kancheepuram District at Chengalpattu

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