



CRP.No.3079 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR
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1.Govarthanan
2.Sakthivel
3.Dhiviyasri

... Petitioners

Versus

1.Marthadu Ramanujam Dharma Rao
2.Maruthadu Dharma Rao Vigneswara Rao
3.Madhumathi
4.Kaviya Sri
5.M.R.Nithyanandhini

... Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the docket order dated 30.01.2025 passed in O.S.SR.No.14035 of 2024 on the file of the 1st Additional City Civil Court, Chennai and direct the Registry to number the suit.

For petitioner : M/s.B.Manjula

ORDER

Challenging the order in and by which the learned I Additional Judge has rejected the suit even before numbering vide a docket order on the ground that the partition has been claimed only on the basis of the will said to have been executed by one Saraswathi and the same has not been probated, the



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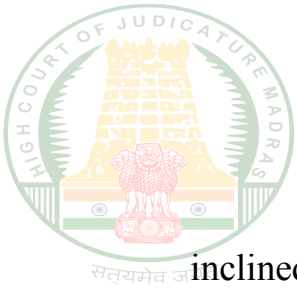
revision has been filed.

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2. The suit has been filed by the plaintiff for partition claiming shares in the properties left by one Ramanujam, father of the parties herein. Further, in the plaint, it is also made clear that his wife one Saraswathi left the will bequeathing the properties situated in Mannargudi. Taking note of the above will, the Trial Court has rejected the suit itself on the ground that the will has not been probated. Hence, this revision.

3. It is the contention of the learned counsel for the revision petitioner that the wife of Ramanajum left the will mainly in respect of the properties situated in Mannargudi, however, in the said will, she has wrongly included the suit properties, but the fact remains that the suit properties does not belong to her, but belongs to the father of the parties.

4. Heard both sides and perused the materials placed on record. Since no adverse order is passed against the respondents, notice to them is dispensed with and considering the nature of revision filed before this Court, this Court is



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inclined to dispose of this revision in the admission stage itself.

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5. The pleadings in the plaint indicate that the plaintiffs had laid claim only on the basis of their share and inheritance; not based on the will of her mother in respect of the house properties. Such view of the matter, the impugned order stands set aside and the Trial Court is directed to take the plaint on its file, number the suit and dispose of the same on its own merits. The Registry is directed to return the original papers and the same shall be represented before the Court below within a period of two weeks from the date of receipt of a copy of this Order.

6. Accordingly, this revision stands allowed. No costs.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
dhk

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N. SATHISH KUMAR, J.

dhk

To,

1. The I Additional Judge
City Civil Court, Chennai
2. The Section Officer
VR Section, Madras High Court

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22.07.2025