



WEB COPY

CRP No. 4210 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP No. 4210 of 2025 and
CMP No.21664 of 2025**

1. K.Chellammal

W/o. Late. Kalisamy,
Anna Nagar Rathnapurikarar Thottam,
Kattampatti Post, Annur Thaluka,
S.S.Kulam Via, Coimbatore 641107

2. K.Maniyan

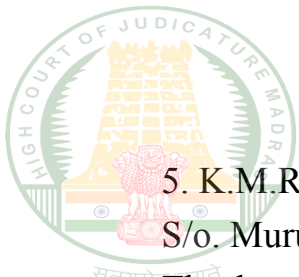
S/o. Late. Kalisamy,
Anna Nagar Rathnapurikarar Thottam,
Kattampatti Post, Annur Thaluka,
S.S.Kulam Via, Coimbatore 641107

3. K.Eswaramoorthi

S/o. Late. Kalisamy,
Anna Nagar Rathnapurikarar Thottam,
Kattampatti Post, Annur Thaluka,
S.S.Kulam Via, Coimbatore 641107

4. K.Dhandapani

S/o. Late. Kalisamy,
Anna Nagar Rathnapurikarar Thottam,
Kattampatti Post, Annur Thaluka,
S.S.Kulam Via, Coimbatore 641107



5. K.M.Raju

S/o. Murugesan No. 1/69,

Thachanthottam Kattampatti Post,

Annur Thaluka, S.S.Kulam Via,

Coimbatore 641107

Petitioners

Vs

1. RAMASAMY

S/o. Krishnasamy 1/9, Kattampatti,

Annur Thaluka, S.S.Kulam Via,

Coimbatore 641107

2.R. Mahendran

S/o. Ramasamy 1/9, Kattampatti,

Annur Thaluka, S.S.Kulam Via,

Coimbatore 641107

3.R.Prabakaran

S/o. Ramasamy

1/9, Kattampatti, Annur Thaluka,

S.S.Kulam Via,

Coimbatore 641107

4.S.Amirthajothi

W/o. Selvaraj

Door No. 90, Ambedhkar Street,

Periyar Nagar, Coimbatore North,

Coimbatore Dist. 641043

5.R.Malarvizhi

W/o. Rajendran No. 9,

Sayapattarai Veethi,

Pethichettipalayam,

Tirupur 641601



6.K.Lingeshwari

W/o. Kanthavel,

Door No. 15, Vishveswara Nagar 2,
Opp - VKR Kalyana Mandapam,
Cheran Managar, Villangurichi,
Coimbatore 641035

7.S.Sivakumar

S/o. Shinnasamy

No. 45, New Parameswaran Pillai
Layout, Pappanaicken Palayam,
Coimbatore South, Coimbatore 641037

8.S.Sakthivel

S/o. Sinnasamy

Door No. 21/100, Thilagar Nagar West,
Anuparpalayam Tirupur 641652.

Respondent(s)

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 07.07.2025 in I.A No. 1 of 2023 in OS No. 131 of 2023 on the file of 1st Additional District Judge of Coimbatore and to reject the plaint in OS No. 131 of 2023 on the file of 1st Additional District Judge of Coimbatore.

For Petitioner(s): Mr.R.Susendhiran

**ORDER**

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This Civil Revision Petition has been filed to set aside the fair and final order dated 07.07.2025 passed in I.A No. 1 of 2023 in OS No. 131 of 2023 by the I Additional District Judge of Coimbatore and to reject the plaint in OS No. 131 of 2023

. 2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. The unsuccessful defendants 9 to 13 have preferred this civil revision petition.

4. The suit in OS No. 131 of 2023 has been filed for partition and declaration. The defendants 9 to 13 have filed an application in I.A.No.1 of 2023 under Order VII Rule 11 C.P.C., seeking rejection of the plaint. The Court below dismissed the application on the ground that as there are triable issues in this case, which cannot be gone into while deciding the petition. Aggrieved by the same, the present civil revision petition has been instituted.

5. The learned counsel for the petitioners submitted that as per old Hindu



Law, the plaintiffs are not coparceners and they cannot claim any right over the suit properties and even as per Hindu Succession (Amendment) Act 2005, the plaintiffs cannot claim any right over the suit properties. It is also submitted that the suit is barred by limitation. There is also abuse of process of law.

6. On a perusal of the records, it is seen from the plaint that the plaintiffs have stated that the sale deed and the partition deed have been effected without their knowledge in a fraudulent manner. The plaintiffs have also sought for declaration to declare the sale and partition deeds as null and void and not binding on them. It is also stated in the plaint that the plaintiffs , on repeated occasions, have sought the defendants to partition the suit properties and allot them shares and that the defendants have refused to do so. In paragraph 14 of the plaint, it has also been stated in detail as to on which date the cause of action for the suit arose.

7. It is well settled proposition of law that, while deciding an application for rejection of the plaint, the Court has to consider the averments made in the plaint and not the averments made on the defendants' side. Since there are triable issues in the suit, the same cannot be gone into by way of rejection of



plaint in the application.

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8. Considering the submission made by the learned counsel for the petitioner and also considering the facts and circumstances of the case and upon perusal of the records, this Court finds that there are no reasons warranted to interfere with the impugned order passed by the trial Court. There is no merit in the Civil Revision Petition.

9. Considering the nature of the dispute between the parties, this Court directs the Court below to dispose of the main suit itself, as expeditiously as possible.

10. With the abovesaid direction, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

08-09-2025

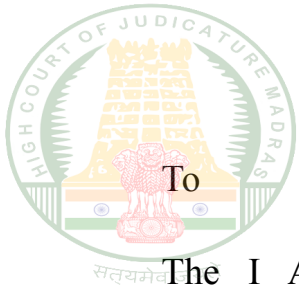
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The I Additional District Judge of
Coimbatore

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M.JOTHIRAMAN J.

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