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CRP.Nos.3507 & 3508 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.3507 & 3508 of 2025 &

CMP.Nos.18979 & 18981 of 2025

1. Saraswathi

2. Geetha

3. Poornima

4. Minor Devadarshini

Rep. By Natural Gruadian Saraswathi

.. Petitioners in all CRPs

Versus

Rajeswari

..Respondent in all CRPs

Common Prayer:- Civil Revision Petitions filed under section 115 of Code of Civil Procedure, to set aside the order and decreetal Order passed in I.A.Nos.44 of 2022 and 44 of 2023 A.S.No.13 of 2021 dated 09.01.2024 passed by the III Additional District Judge, Kallakurichi.

For Petitioners : Mr.V.Gunasekar [in both CRPs]

For respondent: Ms.Madura,
for R.Bharathkumar

COMMON ORDER



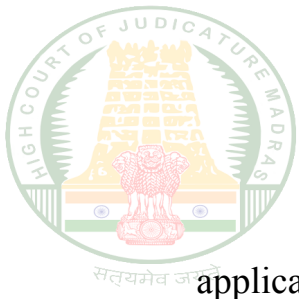
CRP.Nos.3507 & 3508 of 2025

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Challenge has been made to the order passed by the learned III Additional District Judge, Kallakurichi in allowing the application filed under Order VI Rule 17 to include certain properties as suit properties in the suit, in the present Civil Revision Petitions.

2. It is the case of the petitioners that originally the suit has been filed by the respondent claiming partition. In the said suit, a preliminary decree has been passed. Challenging the preliminary decree, an appeal has been filed by the revision petitioners in A.S.No.13 of 2021 on the file of the III Additional District Court, Kallakurichi. When the appeal was pending, an application has been taken out by the respondent herein to include certain properties which are said to be family properties as those properties have been omitted to be included in the plaint. The said application has been opposed by the respondents. However, the said application has been allowed on payment of cost of Rs.3000/- to the respondents.

3. The main contention of the revision petitioners is that the said



CRP.Nos.3507 & 3508 of 2025

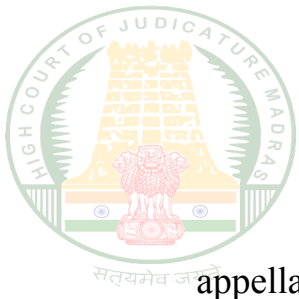
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application has been filed belatedly. It is relevant to note that the respondent came to know with regard to non inclusion of subject properties when P.W.1 was confronted with regard to non inclusion of the said properties. In other words, it is the contention of the revision petitioners that the properties sought to be included ought to have been included as suit properties at the time of filing the suit itself. However, the said properites have not been included in the suit. Therefore, in the appeal stage, those property cannot be brought on record as suit properties.

4. The very suit itself has been filed for partition and the present application has been taken out due to non inclusion of certain properties. Hence, the revision petitioners cannot object the same on ground that there is delay in filing such application.

5. As far as partition suit is concerned all the properties have to be brought on record for deciding entitlement of the parties in the lis. Therefore, the appellate Court has rightly allowed the applications subject to payment of costs. Hence, I do not find any merits in these revisions.

6. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed. The



CRP.Nos.3507 & 3508 of 2025

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appellate Court is directed to dispose of the appeal on merits within a period of four months from the date of receipt of a copy of this Court.

04.08.2025

Internet : Yes
Speaking order / Nonspeaking order
Neutral Citation : Yes/No

vrc

To

1. The III Additional District Judge,
Kallakurichi.
2. The Section Officer
VR Section, Madras High Court



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N.SATHISH KUMAR, J.

VTC

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