



C.R.P.No.5865 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5865 of 2025
and C.M.P.No.29002 of 2025

1.K.Angammal

2.K.Jagadeesan

... Petitioners

vs.

1.V.Rajamani

2.S.Manjula

3.The Bank Manager,
City Union Bank Ltd.,
Thennampalayam Branch,
Coimbatore

4.The Bank Manager,
Karur Vysya Bank Ltd,
Sulur Branch,
Coimbatore.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the above C.R.P. by setting aside the Fair and Decreetal Order dated 19.08.2025 passed in I.A.No.06 of 2025 in O.S.No.97 of 2025, on the file of the I Additional Subordinate Court, Coimbatore.



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C.R.P.No.5865 of 2025

For Petitioners : Mr.S.Sriram
for M/s.K.Govi Ganesan

ORDER

The Civil Revision Petition is filed challenging the order passed by the I Additional Subordinate Court, Coimbatore in I.A.No.6 of 2025 in O.S.No.97 of 2025, dated 19.08.2025 dismissing the application filed by the petitioners/defendants 1 and 2 seeking to reject the plaint. The respondents 1 and 2, daughters of 1st petitioner herein filed a suit for partition against the petitioners and other respondents. The 1st petitioner is the mother of respondents 1 and 2. The 2nd petitioner is the brother of respondents 1 and 2.

2. According to the respondents 1 and 2, the suit property originally belonged to one Karuppa Gounder @ Chinna Karuppa Gounder, father of 1st petitioner. He died on 26.04.1993. After the death of Karuppa Gounder, his legal heirs including the petitioners entered into a partition under the registered Partition Deed dated 04.01.2013. The suit schedule property was allotted to the 1st petitioner under 'D' Schedule to the said Partition Deed.

3. The respondents 1 and 2 being daughters of 1st petitioner laid a suit for partition on the ground that they acquired birth right in the said property, which originally belonged to their Grandfather.



C.R.P.No.5865 of 2025

4. The petitioners herein filed the instant application for rejection of the plaint on the ground that the property inherited by 1st petitioner from her father is not available for partition, when she is alive. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.

5. It is the specific case of the respondents 1 and 2 that the suit property originally belonged to Karuppa Gounder @ Chinna Karuppa Gounder, father of 1st petitioner herein. Therefore, there is no dispute that the property is ancestral property and after 2004 amendment, daughters are also coparceners. After death of Karuppa Gounder, there was a partition among the legal heirs of Karuppa Gounder and the subject property was allotted to share of 1st petitioner, in her capacity as coparcener. Therefore, the daughters of 1st petitioner are entitled to right by birth. In such circumstances, the contention raised by the 1st petitioner that the respondents 1 and 2 are not entitled to suit property during her life time, is not acceptable to this Court.

6. Though the petitioners in the affidavit filed in support of the



C.R.P.No.5865 of 2025

petition to reject the plaint alleged that there was no cause of action for the suit, a reading of the plaint averment would indicate that the respondents 1 and 2 pointed out cause of action for maintaining a suit for partition. The correctness or otherwise of the allegation made in the plaint has to be decided based on evidence at the time of final disposal. Therefore, the Trial Court rightly came to the conclusion that there was cause of action for the suit and dismissed the application for rejection of the plaint. I do not find any error in the impugned order passed by the I Additional Subordinate Court, Coimbatore in I.A.No.6 of 2025 in O.S.No.97 of 2025, dated 19.08.2025. The observation made by this Court in this revision are only prima facie conclusion, with regard to existence of cause of action in the plaint. The petitioners are entitled to raise all their defence before the Trial Court in their written statement including character and non-availability of suit properties for partition. All these issues have to be decided by Trial Court at the time of final disposal of suit, without being influenced by any observation made in this revision.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.



C.R.P.No.5865 of 2025

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26.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.No.5865 of 2025

To

WEB COM The I Additional Subordinate Court,
Coimbatore.



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C.R.P.No.5865 of 2025

S.SOUNTHAR, J.

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C.R.P.No.5865 of 2025

26.11.2025