

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.12.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.No.6398 of 2025**  
**and**  
**C.M.P.No.31640 of 2025**

K.Muthammal (Deceased)

1.Valli

2.Lakshmi

3.Selvi

4.Bala

... Petitioners

vs.

1.Vijayalakshmi

2.S.Raja

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order dated 10.11.2025 passed by the III Assistant Judge, City Civil Court, Chennai in I.A.No.11 of 2025 in O.S.No.3967 of 2013.

For Petitioners : Mr.D.Alexis Sudhakar

**ORDER**

The Civil Revision Petition is filed challenging the order passed by the III Assistant Judge, City Civil Court, Chennai in I.A.No.11 of 2025 in O.S.No.3967 of 2013, dated 10.11.2025 dismissing the application filed by the petitioners seeking rejection of the plaint.

2. The respondents/plaintiffs filed a suit for partition against the petitioners. The petitioners filed their written statement on 12.09.2022 disputing the legal status of the respondents as children of K.Sekar @ K.Chandrasekar. Therefore, an amendment application was filed by the respondents seeking inclusion of prayer for declaration that they are all legal heirs of deceased K.Sekar @ K.Chandrasekar. After inclusion of the prayer, the present application has been filed by the petitioners/defendants seeking rejection of the plaint on the ground that the prayer regarding legal status of the respondents is barred by limitation.

3. The main relief sought for in the suit is partition. Whether the respondents/plaintiffs are co-owners of the petitioners or whether they are all children of K.Sekar @ K.Chandrasekar is incidental question to the main relief of partition, unless the legal status of the respondents is established, they are not entitled to get the decree for partition. Even assuming the respondents failed to seek a declaration regarding their legal status, necessarily the Civil Court has to decide the legal status of the respondents to come to a conclusion whether they are all co-owners along with the defendants.

4. It is settled law that the cause of action for relief of partition is continuous one. Therefore, the plea of limitation cannot be raised, unless the defendants established that the other co-owners are ousted from the suit property. In the case on hand, the legal status of the respondents was disputed by the petitioners by filing a written statement on 12.09.2022. Immediately, the respondents included a prayer for declaration regarding the legal status and the same was done within a period of three years. Therefore, the submission made by the learned counsel appearing for the petitioners that the prayer for declaration of legal status is barred by limitation is not acceptable to this Court. The Trial Court rightly appreciated the legal

position and dismissed the application filed by the petitioners. I do not find any error in the impugned order passed by the III Assistant Judge, City Civil Court, Chennai in I.A.No.11 of 2025 in O.S.No.3967 of 2013, dated 10.11.2025

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

**16.12.2025**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
dm

To

The III Assistant Judge,  
City Civil Court, Chennai.

C.R.P.No.6398 of 2025

**S.SOUNTHAR, J.**

dm

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