



C.R..P.(PD)(MD).No.1137 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1137 of 2025

and

C.M.P(MD) No.6122 of 2025

Rathinam Nadar (Died)

1. Dharamaraj

2. Amsa

... Petitioners/Petitioners
Defendants

Vs.

Idumbaiya

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 20.11.2024 passed by the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul, made in I.A.No.04 of 2024 in O.S.No.177 of 2021 and allow this Civil Revision Petition.

For Petitioners : Mr.S.Karthick



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ORDER

The defendants in O.S.No.177 of 2021 on the file of the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul, have filed the present Civil Revision Petition challenging the dismissal of their application filed under Order 7 Rule 11 of C.P.C.

2. A perusal of the records reveal that the respondent herein has filed the suit for the relief of partition and separate possession. The only ground on which the application under Order 7 Rule 11 of C.P.C., has been filed is that the plaintiff is not able to take care of himself and he is a mentally challenged person. Before the trial Court, one of the Doctors who have given treatment to the plaintiff has been examined as P.W.1 and his medical Report has been marked as Ex.P.1. A perusal of the evidence of the Doctor reveals that the plaintiff is affected with Schizophrenia and it is only a disorder and not a disease. There is a possibility of lapse in these kind of diseases. Therefore, it is clear that the plaintiff is able to take care of himself and has filed the present suit.



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3. In view of the evidence of the doctor, who had treated the plaintiff, this Court does not find any reason to interfere in the order of the trial Court, wherein the application filed under Order 7 Rule 11 of C.P.C., stands dismissed. At the time of examination of the plaintiff, if the Court finds that the plaintiff is not in a position to understand the consequences of the case, the Court is always at liberty to appoint a Court guardian to prosecute the suit.

4. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous petition is closed.

24.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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