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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CMP(MD) NO. 5901 of 2024

AND

AS(MD) NO. 109 OF 2024

Annathai (Died)
Annamalai
S/o. Thirumalai Muthu Thevar,
North Street,
Palapathiramapuram,
Veerkeralamputhur Taluk,
Tirunelveli.

Petitioner(s)

Vs

Annamalai Thevar (Died)
Kanniah Thevar,
S/o. Annamalai Thevar,
North last Street,
Palapathiramapuram,
Veerkeralamputhur Taluk,
Tirunelveli.

Respondent(s)

For Petitioner(s):

Mr.K.P. Sankarakumarakurubaran

For Respondent(s):

Mr.H.Arumugam



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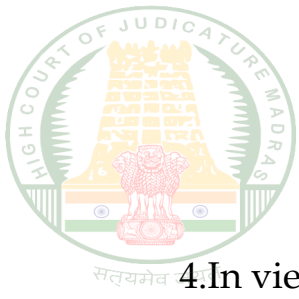
ORDER

(Order of the Court was made by the Hon'ble Rmt.Teekaa Raman J.)

The sister/plaintiff filed a partition suit in O.S.No.188 of 2018 before the learned Additional District Judge, Tenkasi, against her brother and father.

2.The learned Standing Counsel for the petitioner/appellant would contend that it is a self acquired property and in such capacity he is the absolute owner of the property and hence, the daughter/first plaintiff cannot seek the relief of partition. The daughter is the first plaintiff and her son is the second plaintiff. The father is the first defendant and his son is the second defendant, who is the brother of the first plaintiff.

3.After trial, the trial Court has come to the conclusion that the sale deed has been purchased in the name of the first defendant namely, the father and it is a self acquired property of the father and hence, the property is not available for partition and the claim of the plaintiff that the scheduled property or ancestral property was negated. Hence, it is a matter for trial only.



4. In view of the above, there shall be an order of interim stay.

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5. Post the matter in the 2nd Week of June 2025.

sd/-
27/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj
TO

1 THE ADDITIONAL DISTRICT JUDGE
(FTC), TENKASI.

ORDER
IN
CMP(MD) No.5901 of 2024
Date :27/01/2025

NBF / VR / SAR- (25/02/2025) 3P/2C
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