



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1518 of 2021

and

C.M.P.(MD).No.8367 of 2021

Pitchai Asari

...Petitioner

Vs.

1.M.Chandira

2.Chellammal

3.P.Raman Asari

4.P.Paraman

5.P.Sattanathan

6.P.Muthu Raja

7.P.Mahendran

8.M.Subbulakshmi

9.N.Muthulakshmi

...Respondents

(The petitioner is not sought for any relief as against the respondent Nos.2 to 9.
Hence, no notice need to be served on these respondents)



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.163 of 2021 on the file of the learned Principal Sub Judge, Dindigul from the Registry.

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For Petitioner : Mr.A.Mohan

For R-1 : Mr.S.Parthasarathy

For R-3 : Mr.G.Mariappan

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ORDER

This petition has been filed to strike off the plaint in O.S.No.163 of 2021 on the file of the learned Principal Sub Judge, Dindigul from the Registry.

2. The first respondent filed a suit in O.S.No.163 of 2021 before the learned Principal Sub Judge, Dindigul seeking partition. The petitioner herein is the first defendant in the above said suit. The petitioner and the second respondent are the mother and father, respectively, of the first respondent herein.

3. The learned counsel appearing for the petitioner would submit that the petitioner has pleaded in the plaint as though the property was purchased from the funds of the grandfather of the first respondent/plaintiff, whereas, infact, the



property was purchased from his own funds in the year 1960. Therefore, the averments made in the plaint are not sustainable.

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4. Considering the facts and circumstances of the case, the issue involved in this case is a triable one. The suit is between the father and the daughter, wherein the daughter claims that the property was purchased out of the funds of her grandfather, whereas the petitioner contends that it is a self-acquired property. Such an issue does not fall within the purview of Article 227 of the Constitution of India.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed. However, liberty is granted to the petitioner to canvass all those points raised in this petition before the trial Court.

12.06.2025

Internet: Yes/No
Index: Yes/No
TSG
To
The Principal Sub Judge, Dindigul.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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