



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1780 of 2022

and C.M.P.(MD).No.7930 of 2022

Kovendhan

...Petitioner

Vs.

Neelamegam

...Respondent

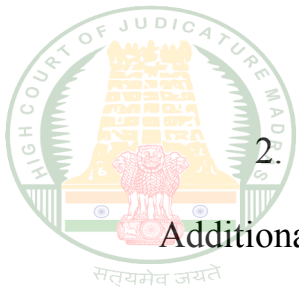
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and executable order dated 06.07.2022 passed in the application in I.A.No.121 of 2022 in O.S.No.72 of 2021 on the file of the Additional District Court, Ramanathapuram and allow the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.V.Meenakshi Sundaram

ORDER

This petition has been filed to set aside the fair and executable order dated 06.07.2022 passed in the application in I.A.No.121 of 2022 in O.S.No.72 of 2021 on the file of the Additional District Court, Ramanathapuram.



2. The respondent herein filed a suit in O.S.No.72 of 2021 before the Additional District Court, Ramanathapuram, seeking preliminary decree for partition of 1/7th share in items 1 to 4 of the plaint schedule, preliminary decree for partition of 1/5th share in items 5 to 8 of the plaint schedule and preliminary decree for partition of ½ share in items 9 and 10 of the plaint schedule, against the petitioner and twenty nine others. The present petitioner is arrayed as the eighteenth defendant in the said suit. During the pendency of the suit, the petitioner filed an interlocutory application in I.A.No.121 of 2022 under Order VII Rule 11(a) & (d) CPC, seeking rejection of the plaint filed by the respondent herein. However, the learned Additional District Judge, Ramanathapuram, by order dated 06.07.2022, dismissed the said application. Aggrieved by the dismissal of the interlocutory application, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner submitted that while the petitioner does not press for an adjudication of the Order VII Rule 11 application at this stage, it would suffice if this Court issues a direction to the trial Court to dispose of the suit expeditiously and independently on its own merits, uninfluenced by any observations made in the impugned order passed in I.A.No.121 of 2022.



4. The learned counsel for the respondent, on instructions, submitted that there is no serious objection to such a direction being issued by this Court.

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5. This Court has carefully considered the submissions of both sides. Since the order under challenge is only an interlocutory order rejecting the prayer for rejection of plaint, and as both parties have agreed for an early disposal of the suit without prejudice to their respective contentions, it would be just and proper to direct the trial Court to proceed with the suit and dispose it of as expeditiously as possible in accordance with law.

6. In view of the above, the trial Court is directed to dispose of the suit in O.S.No.72 of 2021 on merits and in accordance with law, as expeditiously as possible, uninfluenced by any observations made in the order dated 06.07.2022 in I.A.No.121 of 2022. The petitioner is at liberty to raise all the grounds urged herein at the time of trial before the trial Court.

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

05.08.2025

Internet:Yes/No

Index:Yes/No

TSG

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To

1.The Additional District Court, Ramanathapuram.

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



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M.DHANDAPANI, J.

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