



C.R.P(MD)No.2465 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2465 of 2022
and
C.M.P(MD)No.12075 of 2022

Ramasamy Gounder

... Petitioner/Petitioner/
Plaintiff

Vs.

1.Pappayi @ Palaniammal

2.Soliammal

3.Nallammal

4.Gopalan

5.Periyaswamy

... Respondents/ Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the order passed by the learned Principal Subordinate Judge, Karur in I.A.No.1 of 2022 in O.S.No.485 of 2015 vide his order, dated 24.08.2022 and set aside the same.



C.R.P(MD)No.2465 of 2022

For Petitioner : Mr.Samuel Gunasingh

ORDER

The plaintiff in O.S.No.485 of 2015 on the file of the Principal Sub Court, Karur is the revision petitioner herein.

2. The above said suit has been filed for the relief of partition and separate possession of half share of the plaintiff in suit two items of the property. Pending suit, the plaintiff had filed I.A.No.1 of 2022 under Order XVIII Rule 1 of Code of Civil Procedure to direct the defendants to let in evidence first on the ground that the defendants have pleaded oral partition as a defence.

3. A perusal of the written statement filed by the defendants, especially Paragraph No.16 of the written statement clearly reveals that the defendants claim that they continue to be members of the joint family and there is no severance of status. The defendants in Paragraph No.15 of the written statement have further pleaded that some other



C.R.P(MD)No.2465 of 2022

properties which are ancestral in nature have not been included as suit schedule properties. Therefore, it is clear that the defendants have not pleaded oral partition as a defence to the suit for partition. In such circumstances, the trial Court had rightly dismissed the application filed under Order XVIII Rule 1 of C.P.C. There are no merits in the revision petition.

4. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg

To

1. The Principal Subordinate Court,
Karur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



C.R.P(MD)No.2465 of 2022

R.VIJAYAKUMAR ,J.

gbg

Order made in
C.R.P(MD)No.2465 of 2022

12.02.2025