



C.R.P(MD)No.2851 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2851 of 2025

and

C.M.P(MD)No.16463 of 2025

Lakshmanan

... Petitioner/Petitioner/
2nd Defendant

Vs.

1.S.Dhavamani

2.Murugeswari

3.A.Sumathi

... Respondents 1 to 3/
Respondents 1 to 3/
Plaintiffs

4.Jeyaraman

5.J.Vijay Anand

... Respondents 4 & 5/
Respondents 4 & 5/
Defendants 1 & 3

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 15.09.2025 made in I.A.No.7 of 2024 in O.S.No.73 of 2022 on the file of the Additional District and Sessions Court, Periyakulam, Theni District.

For Petitioner : Mr.V.George Raja
For M/s.Ajmal Associates



C.R.P(MD)No.2851 of 2025

WEB COPY

ORDER

The instant Civil Revision Petition has been filed to set aside the fair and decreetal order dated 15.09.2025 made in I.A.No.7 of 2024 in O.S.No.73 of 2022 on the file of the Additional District and Sessions Court, Periyakulam, Theni District.

2. The learned counsel for the petitioner submits that the respondents 1 to 3 herein had filed a suit seeking relief of partition and separate possession. He further submits that it came to the petitioner's knowledge at the time of filing an additional written statement that the third respondent is suffering from a permanent mental disorder. Therefore, he had filed an application to examine the third respondent and to appoint a guardian by invoking the provisions of Order 32 Rule 15 of the C.P.C. He submits that the Court below without even examining the third respondent dismissed the petition by holding that the petitioner had not produced any documentary evidence to substantiate that the third respondent suffers from a mental disorder. He submits that Order 32 Rule 15 does not envisages any such documents to be produced before the Court. When such an application is filed, it is for the the Court to call



C.R.P(MD)No.2851 of 2025

upon the said person to be appeared before this Court and assess the mental stability of the person. Therefore, he seeks indulgence with the order impugned.

3. I have considered the submission made by the learned counsel for the petitioner and perused the materials available on record.

4. It may be true that the petitioner is not required to substantiate that one of the party to the suit is suffering from mental disability. But however it is to be noted that to arrive at a conclusion to even call upon such individual, pleadings should be given in detail pointing out such person is mentally ill.

5. A perusal of the affidavit filed in support of the application do not disclose as to how the petitioner states that the third respondent is mentally ill expect for a bald allegation. Further, the Court below had also found that the petitioner had not even examined any one or produced any documents to substantiate his allegation. Even before this Court, the petitioner had neither produced any substantiative documents nor there is any pleadings to substantiate his claim.



C.R.P(MD)No.2851 of 2025

WEB COPY

6. For the aforesaid reasons, I do not find any infirmity in the order impugned herein. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

- 1.The Additional District and Sessions Court,
Periyakulam, Theni District
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.2851 of 2025

K.KUMARESH BABU,J.

SN

C.R.P(MD)No.2851 of 2025

13.10.2025