



CRP(MD). No.3438 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3438 of 2025

Vijaya,

... Petitioner

Vs

1. Devaraj

2. Thangammal

3. Sellammal

4. Sundarraaj

5. Vijayakumar

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Sub Judge, Musiri to take the plaint un Numbered OS.SR.No.1176 of 2025 on the file of Sub Court, Musiri and number the same and as this Court fit in the circumstances of the case.

For Petitioner : Mr. K.Govindarajan
for Mr. S.Pon Senthil Kumaran,



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ORDER

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Civil Revision Petition filed to direct the learned Sub Judge, Musiri to take the plaint un-numbered OS.SR.No.1176 of 2025 on the file of Sub Court, Musiri and number the same.

2. The challenge in this Civil Revision Petition is to the docket order of return made by the learned Subordinate Judge, Musiri. A suit for partition had been filed by the petitioner seeking for partition of the suit property as claiming to be the co-owner of the suit A schedule property, by way of purchase of the B schedule property, from the other co-owners. The plaint had been originally returned as to how the petitioner could maintain the relief as prayed for in the suit. A compliance report has been filed by the petitioner indicating that B schedule property forms part of the A schedule property and that he had purchased the B schedule property from a third party and the first defendant under a registered sale deed and that the plaintiffs had the knowledge that there are other co-owners in respect of the A schedule property, he had filed a suit and therefore, the relief as claimed is maintainable. Again the plaint had been returned with an endorsement



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that the plaintiff is only a co-owner and not co-sharer and therefore he is not entitled to seek for the relief. It is very unfortunate that the learned Judge who had verified the plaint had failed to understand the difference between a co-owner and the co-sharer. In any case, either as a co-owner and co-sharer, a suit for partition is maintainable.

3. Hence the return as indicated by the learned Subordinate Judge, Musiri, is set aside with a direction to the learned Subordinate Judge, Musiri, to take the plaint of file and proceed further in accordance with law.

4. With the above said direction, this Civil Revision Petition is disposed of. No costs.

19.11.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

Note: Registry is directed to return the original plaint filed along with this Civil Revision Petition to the petitioner.

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K.KUMARESH BABU, J

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To

1. The Sub Judge, Musiri.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRP(MD) No.3438 of 2025

Date : 19/11/2025