



WEB COPY



CRP.No.160 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.160 of 2026 and
CMP.No.703 of 2025

M/s.Sri Vaari Developers
A Partnership Firm,
Rep. by its Managing Partner K.S. Selvakumar,
Carrying Business at
D.No.376,Thiru Veeka Nagar,
Opp. to Vilvavinayaga Temple,
New Teachers Colony,
Erode-638 011

... Petitioners

Vs.

1.K.Arunachalam
2. Karuppana Gounder
3.D.Kamalam
4.P.Sadhasivam

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying to set aside the Fair and Final order dated 18.06.2025 made in
I.A.No.4 of 2023 in O.S.No.267 of 2023 on the file of the Principal
Subordinate Judge, Erode.

For Petitioner

: Mr.M.Guruprasad



ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court allowing the application filed by the first respondent/plaintiff seeking to file reply statement.

2. The first respondent filed a suit for partition. He also sought for declaration that the settlement deed executed by first defendant in favour of second defendant was null and void. He also prayed for a declaration that two registered sale deeds executed by 2nd defendant in favour of other defendants were null and void.

3. The suit was laid by the first respondent/ plaintiff on the averment that suit properties were purchased by first defendant as joint family manager out of joint family funds. The defendants filed written statement raising a plea that there was partition in the family in the year 1974 itself and therefore, after 1974 there was no joint family and the purchase made by first defendant in the year 1975 cannot be termed as the one with the help of joint family funds.

4. Since the defendants raised a plea that there was a partition in the year 1974 and the plaintiff had become a divided son, the first respondent/plaintiff filed a reply statement stating that the partition referred to in the written statement was entered with a sole purpose of protecting the joint family properties as the first defendant was a spendthrift. It was also stated in the



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reply statement that though partition deed was executed in the year 1974, the first defendant's father Sokkappa Gounder contributed joint family funds of Rs.12,000/- and also contributed to the sale consideration. It was also stated that the father of the first defendant paid the sale consideration and purchased the property in the name of his son, first defendant. Since the defendants raised a plea regarding 1974 partition, the plaintiff wanted to raise certain averments regarding the circumstances under which the 1974 partition came into existence and the status of the family even after 1974 partition. The reply statement filed by the plaintiff is only in response to the new averments made by the defendants in the written statement.

5. The plaintiff is entitled to invoke Order VIII Rule 9 of CPC and file reply statement in view of the plea raised by the defendants with regard to 1974 partition. I do not find any error in the impugned order passed by the trial court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The Principal Subordinate Judge, Erode.



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