



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1262 of 2026

AND

CMP NO. 6155 OF 2026

1. Saravanan

S/o. Late. Nagaraj D.No. 510/711

Rajselvam Departments Stores M.G.

Road, Palacode Town Palacode Taluk

Dharmapuri Dist.

Petitioner(s)

Vs

1. Sarada

W/o. Late. Selvam D.No. 4/254

Kartharpatty Village Pappinayakanhalli

Post Palacode Taluk Dharmapuri Dist.

2.Suresh

S/o. Late. Selvam D.No. 4/254

Kartharpatty Village Pappinayakanhalli

Post Palacode Taluk Dharmapuri Dist.

3.Vanitha

W/o. Nagarajan Karakoor Village,

Seeriyannahalli Post Palacode Taluk

Dharmapuri Dist.

4.Sarala

W/o. Deepankumar Vairavalli Village,

Choolaikottai Post Dharmapuri Taluk

and Dist.

Respondent(s)

**CRP No. 1262 of 2026****PRAYER**

To set aside the fair and Decreetal Order dt. 21.11.2025 in IA No. 7 of 2025 in OS No. 238 of 2024 on the file of the Learned Additional District Judge, Dharmapuri

CRP No. 1262 of 2026

For Petitioner(s): MR.R.Selvakumar

For Respondent(s):

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and Decreetal Order dated 21.11.2025 in IA No. 7 of 2025 in OS No. 238 of 2024 on the file of the Learned Additional District Judge, Dharmapuri

2. The respondents herein filed IA No. 7 of 2025 in OS No. 238 of 2024 on the file of the Learned Additional District Judge, Dharmapuri, seeking to amend the plaint to include certain properties which are said to belong to the first defendant. Upon hearing both sides, the Trial Court allowed the application by holding that it is a case for partition which is under the stage of trial. It is settled law that in a suit for partition, any property left out can be included at any stage. Whether the properties are absolute properties of the plaintiff or it is available for partition can be decided only at the time of trial. Aggrieved over the same, the petitioner filed this petition.

3. The learned counsel for the petitioner submits that the 1st and 2nd item of properties which sought to be included are self-acquired properties of the first



defendant and 1st item of the property is acquired through settlement deed, and 4th item of the property is separate property of fourth defendant. Therefore, which are not necessary for division. But the Court below erroneously allowed the application filed to amend the plaint. Hence, he prays to allow this petition.

4. Heard the submission of the learned counsel for the petitioner.

5. On perusal of records, it is seen that the first defendant has not challenged the impugned order. Therefore, the silence on her part inspires confidence in the minds of the Court. As rightly pointed out by the Trial Court whether the properties are absolute properties of the 1st defendant or not and whether it is available for partition, can be decided only at the time of Trial. If at all any objection, the petitioner can file objection to proceed with trial. The findings of the Trial Court requires no interference. Accordingly this Civil Revision petition is dismissed. Liberty is granted to the petitioner to take all defence before the Trial Court. No Costs. Pending petition, if any, is closed.

17-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional District Judge, Dharmapuri.

2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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