



C.R.P.No.664 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.664 of 2026
and C.M.P.No.3586 of 2026

1.Chinthamani

2.V.Chokkan

3.V.Damodharan

4.V.Gothandan

5.V.Janagi

6.V.Ambiga

... Petitioners

vs.

V.Jegajothi

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.11.2025 made in I.A.No.7 of 2025 in O.S.No.184 of 2023 on the file of the learned Additional District Court, Dharmapuri by allowing this Civil Revision Petition.

For Petitioners : Mr.N.Manoharan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Additional District Court, Dharmapuri in I.A.No.7 of 2025 in



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O.S.No.184 of 2023, dated 28.11.2025 dismissing the application filed by the petitioners seeking rejection of the plaint.

2. The respondent herein filed a suit for partition. The respondent and petitioners are legal representatives of one Venkatesan.

3. The petitioners/defendants filed an application under Order 7 Rule 11 of the Code of Civil Procedure seeking rejection of the plaint on the ground that earlier suit for partition filed by the respondent was not pressed as settled out of court without taking any leave to file fresh suit. Therefore, second suit filed by the respondent is not maintainable.

4. A perusal of the typed-set of papers would indicate the respondent filed O.S.No.135 of 2022 seeking relief of partition and the same was not pressed on the ground that the matter had been settled out of court. Now, the present suit has been filed by the respondent for the very same relief of partition stating that the petitioners failed to act as per the terms of settlement. Therefore, she was constrained to file a suit for partition.

5. It is settled law the cause of action for relief of partition is continuous one. Merely because, earlier suit for partition filed by the



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respondent was dismissed as not pressed, we cannot say the second suit is not maintainable. So long as joint status of the family continuous, the parties will get new cause of action every day. What are all the terms of settlement, whether petitioner was failed to act as per the terms of settlement, these are all triable issues, which are to be decided based on the evidence to be let in by the parties. The Trial Court rightly found the cause of action for relief of partition is the continuous one and dismissed the application for rejection of the plaint. I do not find any error in the impugned order passed by the Additional District Court, Dharmapuri in I.A.No.7 of 2025 in O.S.No.184 of 2023, dated 28.11.2025.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

13.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Court,
Dharmapuri.

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S.SOUNTHAR, J.

dm

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