Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1276 of 2024

CNR:{HCMA010220632024}

B. Mohammed Rafic
S/o Late Akbar Ali

..Petitioner(s)

Vs

1. Mohammed Nazeer
   S/o Late Akbar Ali

2. Mohammed Yaser
   S/o Late Akbar Ali

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Order and decree passed in OS SR No. 12414/2023 dated 15.09.2023 on the file of the 1st Additional City Civil Judge Madras and set aside the same by way of allowing the CRP and directed to take the plaint on its file and pass suitable orders there for in the nature and circumstances of the case**.**

For Petitioner(s): Mr.T.I. RAMANATHAN

For Respondent(s): M/s.R.Aranganathan
For R1
M/s.C.Elamurugan
S.Thulasiraja For R2

Order

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order passed by the Court below in OS SR No.12414 of 2023 dated 15.09.2023 wherein the plaint was rejected on the

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ground that the petitioner can work out his remedy in the pending suit in OS No.8645 of 2022 on the file of XVII Additional City Civil Court, Chennai.

2. Heard both sides and carefully perused the materials available on record as well as the order passed by the Court below.

3. The petitioner filed the suit seeking for the relief of partition. The Court below has rejected the plaint on the ground that already a partition suit has been filed in OS No.8645 of 2022 in which the petitioner is also a party and that if any properties had been left out, the petitioner can always file an application to include those properties in the said suit. The Court below came to such a conclusion only with a view to avoid multiplicity of proceedings.

4. It is brought to the notice of this Court that the suit in OS No.8645 of 2022 was filed by the 1st respondent herein wherein the petitioner is arrayed as the 1st defendant and the 2nd respondent herein is arrayed as the 2nd defendant. The learned counsel for the petitioner submitted that the properties described in II schedule, III Schedule and V schedule to the present plaint have not been included in the other partition suit filed in OS No.8645 of 2022.

5. In the considered view of this Court, instead of prosecuting an independent suit, the petitioner, who is the 1st defendant in OS No.8645 of 2022

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can file a written statement and also raise a counter claim by including the properties described in the II schedule, III schedule and V schedule to the present plaint. This course of action will sufficiently take care of the grievance expressed by all the parties concerned.

6. With the above clarification, this Civil Revision petition is dismissed. No costs.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

RKA

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