Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2678 of 2025
and CRP No. 15117 of 2025

CNR: {HCMA010627292025}

Ramasamy Gounder
S/o. Subbe Gounder, Kurunallipalayam Village,
Kinathukadavu Taluk, Coimbatore District

..Petitioner(s)

Vs

1. Ramasamy
   S/o. Arumuga Gounder, Residing at
   Kurunallipalayam Village, Kinathukadavu
   Taluk, Coimbatore District

2. Kandasamy
   S/o. Arumuga Gounder, Residing at
   Kurunallipalayam Village, Kinathukadavu
   Taluk, Coimbatore District

3. Karupathal
   W/o. Natraj Gounder, Kaliappampalayam,
   Periya Negamam, Pollachi Taluk, Coimbatore
   District

4. Karuppasamy
   S/o. Ramasamy, Kurunallipalayam,
   Kinathukadavu Taluk, Coimbatore District

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 21-11-2024 passed by the Subordinate Judge, Pollachi in I.A.No.3 of 2024 in O.S.No.173 of 2018 and thus render justice

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For Petitioner(s): Mr.M.N.Balakrishnan

For Respondent(s): R1, R2 & R4 – No Appearance
R3 - NRN

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 21.11.2024 passed in I.A.No.3 of 2024 in O.S.No.173 of 2018 on the file of the Subordinate Judge, Pollachi, wherein the application filed by the petitioner/plaintiff under Order VI Rule 17 of C.P.C., to amend the plaint by incorporating two properties in the schedule of properties, came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record. This Court has also carefully gone through the order passed by the Court below. The respondents have been served with notice and their names have also been printed in the cause list. But however, there is no appearance either in person or through counsel.

3.The petitioner/plaintiff filed the suit in O.S.No.173 of 2018 seeking for the relief of partition and for allotment of a half share in the suit properties.

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4.I.A.No.3 of 2024 came to be filed before the Court below under Order VI Rule 17 of C.P.C., to add the 'C' and 'D' Schedule properties on the ground that one Periyanachammal had other properties apart from the suit properties and those properties were not added in the suit schedule and it came to light only after the written statement was filed and DW1 was examined in Court.

5.The Court below dismissed the application mainly on the ground that the petitioner had neither sought partition of these properties while issuing the legal notice nor included them while filing the suit and that such an attempt has been made with an exorbitant delay.

6.In the considered view of this Court in a suit for partition, all properties which will have to be subjected to partition must be included, failing which, it will result in partial partition. Whether the 'C' and 'D' Schedule properties that is sought to be included in the suit schedule are in the nature of a joint family properties, is a matter for trial and it has to be independently considered by the Court below. The Court below has dismissed the application only on technical grounds and that too without taking note of the fact that the suit in question is a partition suit.

7.In the light of the above discussion, the order dated 21.11.2024 passed in I.A.No.3 of 2024 in O.S.No.173 of 2018 on the file of the Subordinate Judge,

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Pollachi, is set aside and this Civil Revision Petition stands allowed and there shall be a direction to the Subordinate Judge, Pollachi to dispose of the suit in O.S.No.173 of 2018, within a period of six months from the date of receipt of copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

29-10-2026

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

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To

The Subordinate Judge, Pollachi.

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N.ANAND VENKATESH, J.

SSR

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