



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1616 of 2026

AND

CMP NO. 7586 OF 2026

V.Gopala Reddy
S/o.Late.Venkataswamy Reddy,
Res. at No.3/351, Agraharam Cross Road,
Aggondapalli Village, Achettipalli Post,
Denkanikottai Taluk, Krishnagiri District.

..Petitioner(s)

Vs

1.Buchamma Alias Kanthamma
W/o.Jayapal Reddy,
D/o.Late.Veenkataswamy Reddy,
No.330/169, Jigala Cross,
Venkatappa Layout, Sarjapura Road,
Attibele Road, Anekal Taluk,
Bangalore District, Karnataka

2.Sunandha
W/o. Jayapal Reddy,
Res. at Emmenatha Village and Post,
Mulbagal Taluk, Kolar District,
Karnataka.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decretal order in IA No. 01of 2024 in OS No.123 of 2023, on the file of Additional District Court, Hosur and dated 14.08.2025.

For Petitioner(s):

Ms.R.Poornima



ORDER

Challenging the impugned order passed in I.A.No.01 of 2024 in O.S.No.123 of 2023 by the learned Additional District Court, Hosur, the Revision Petitioner/1st defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/1st defendant filed an application to reject the plaint praying that the respondents/plaintiffs are not entitled to file a suit, which is time barred, since already there was a partition was held in the family on 24.12.2001 and the same was registered vide document No.1790 of 2001 and after the amendment of Hindu Succession Act 39 of 2005, the suit was filed. Therefore, the said suit as such is not maintainable and it is barred by law. On hearing both sides, the trial judge has held that there is no specific pleading on the side of revision petitioner/1st defendant when the respondents/plaintiffs have got married and also held that the plaintiffs were not parties to the partition deed. According to their objections, they were not parties to the said partition deed and they have not given any consent for the said partition deed. Accordingly, it was dismissed. Aggrieved over that, the revision petitioner/1st defendant preferred this Civil Revision Petition.



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3. The learned counsel for revision petitioner/1st defendant would submit that in the year 2001, there was a registered partition deed happened in the family among the defendants and their father, but it was known to the plaintiff, even then the same was only challenged by them. He would also submit that nearly after 20 years later, they came forward with the suit and they have also got married before 1999, so, after the amendment, they are not entitled to any share in the property and consequently, the suit is barred by limitation and no cause of action arose. Hence, he prayed to set aside the findings of trial judge.

4. On seeing the records, the fact reveals that the respondents/plaintiffs are not admitting the partition deed of the year 2001, which is relied on by the defendants. Further, the revision petitioner/1st defendant also contended that the suit property is a self-acquired property of their father and the same was partitioned between revision petitioner, his brother and father. Since the respondents/plaintiffs are being daughters, they are not entitled for the share. But, whether the partition is valid or not is to be proved only after the fulfilled trial and the right of respondents/plaintiffs would also be decided. Therefore, the order passed by the trial judge is sustainable one, which requires no interference. The revision petitioner is entitled to take all his defence before the trial court. Accordingly, this Civil Revision Petition is dismissed as no merit.



The trial judge is directed to complete the trial and dispose of the case as early as possible. No costs. Consequently, connected civil miscellaneous petition is closed.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Additional District Judge, Hosur.



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T.V.THAMILSELVI J.

RPP

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