



WEB COPY

CRP No. 1750 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1750 of 2026

and

CMP.No.7991 of 2026

1. Muthian Gunasekaran
S/o Late T.Muthian, New No 3/1, Old
No 2A, Taylors Road, Kilpauk, Chennai
600 010

Petitioner(s)

Vs

1. K.Renuka
D/o Late Krishnasamy Pillai, 7/9,
Munusamy Street, Subramaniam Street,
West Saidapet, Chennai 600 015

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the order dated 15.12.2025 passed in IA.No. 3 of 2019 in OS.No.5640 of 2019 on the file of the XVIII Assistant City Civil Court at Chennai.

For Petitioner(s): Mr.Thriyambak J.Kannan

For Respondent(s):



ORDER

The petitioner has filed this revision to set aside the impugned order passed by the trial Judge in in IA.No. 3 of 2019 in OS.No.5640 of 2019 on the file of the XVIII Assistant City Civil Court at Chennai.

2. Before the trial Court, the defendants filed an application to reject the plaint, contending that the survey number and paimas number mentioned in the plaint actually belong to the defendants' property, and that the plaintiff has filed the suit with incorrect particulars.

3. The learned counsel for the revision petitioner contended that, as per a family partition deed, the property in Survey No. 22 belongs to the defendants. However, the plaintiff has filed the suit describing the property as T.S. No. 20. The encumbrance certificate also shows entries relating to T.S. No. 22, and not T.S. No. 20. Therefore, the suit has been filed with incorrect details, and there is no cause of action. Hence, rejection of the plaint was sought.

4. The trial Court, after hearing both sides, dismissed the application, holding that the dispute regarding survey numbers is a matter to be decided during trial and cannot be adjudicated at the stage of considering the plaint



alone. Aggrieved by the same, the present revision has been filed.

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5. The learned counsel for the revision petitioner reiterated that, as per the encumbrance certificate, the property stands in the name of the plaintiff in T.S. No. 22, whereas the suit is filed in respect of T.S. No. 20. He further contended that, as per the partition deed of the year 2012, T.S. No. 22 belongs to the defendants. Therefore, on the face of the record, the suit property does not belong to the plaintiff, and the plaint ought to have been rejected.

6. On perusal of the plaint schedule, it is seen that the plaintiff has filed the suit for declaration, seeking to declare the partition deed dated 2013 standing in the name of the first defendant as null and void, along with consequential reliefs. The suit comprises three schedule properties, all stated to be in T.S. No. 22.

7. The main relief is to declare the said partition deed as null and void, for which several reasons have been assigned in the plaint. The dispute regarding survey numbers is a matter of evidence and can be decided only during trial.



8. If the defendant has valid objections, the same can be raised by filing a written statement and during trial. The suit is of the year 2019, and trial has already commenced.

9. Therefore, this Court finds no reason to interfere with the order of the trial Court. The revision is dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. No costs.

06-04-2026

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

1.K.Renuka

D/o Late Krishnasamy Pillai, 7/9,
Munusamy Street, Subramaniam Street,
West Saidapet, Chennai 600 015.

2.The XVIII Assistant City Civil Court
at Chennai.

3. The Section Officer, VR Section,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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