



WEB COPY

CRP No. 2194 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2194 of 2024

AND

CMP NO. 11645 OF 2024, CRP NO. 2262 OF 2024, CRP NO. 2261 OF 2024, CRP NO. 2263 OF 2024

CRP.No.2194 of 2024

1. E.P.Ekambarm
S/o. Perumal Gounder, D.No. 304, Anna Nagar,
Elavamalai Post 638316, Erode Taluk and
District.
2. Periasamy
S/o. E.P.Ekambaram, D.No.9/292, Anna Nagar,
Elavamalai Post 638 316, Erode Taluk and
District.

..Petitioner(s)

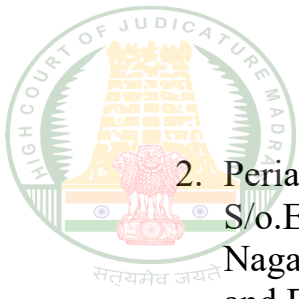
Vs

1. Devi
W/o. Thirumugan, D.No. 6-10-11,
Kalingarayanpalayam, Mettunasuvampalayam,
Erode Taluk and District.
2. Krishnaveni
W/o. Ekambaram, Valayakara Palayam, Periya
Puliyur Post, Erode Taluk and District. Now
Presently Res at, Opposite to Somu Tea Shop
Near Elavamalai Co Operative Bank,
Kalingarayan Palayam Post, Erode Taluk and
District.

..Respondent(s)

CRP No. 2261 of 2024

1. E.P.Ekambaram
S/o.Perumal Gounder, Door No.304, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
and District.



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2. Periasamy
S/o.E.P.Ekambaram, Door No.9/292, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
and District.

..Petitioner(s)

Vs

1. Devi
W/o.Thirumugan, Door No.6-10-11,
Kalingarayanpalayam, Mettunasuvampalayam,
Erode Taluk and District.
2. Krishnaveni
W/o.Ekambaram, Valayakara Palayam, Periya
Puliyur Post, Erode Taluk and District
Now presently residing at Opposite to Somu Tea
Shop Near Elavamalai Co Operative Bank
Kalingarayan Palayam Post, Erode Taluk and
District.

..Respondent(s)

CRP No. 2262 of 2024

1. E.P.Ekambaram
S/o.Perumal Gounder, Door No.304, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
and District.
2. Periasamy
S/o.E.P.Ekambaram, Door No.9/292, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
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..Petitioner(s)

Vs

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Kalingarayanpalayam, Mettunasuvampalayam,
Erode Taluk and District.
2. Krishnaveni
W/o.Ekambaram, Valayakara Palayam, Periya
Puliyur Post, Erode Taluk and District



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Now presenty residing at Opposite to Somu Tea
Shop Near Elavamalai Co Operative Bank
Kalingarayan Palayam Post, Erode Taluk and
District.

..Respondent(s)

CRP No. 2263 of 2024

1. E.P.Ekambaram
S/o.Perumal Gounder, Door No.304, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
and District.
2. Periasamy
S/o.E.P.Ekambaram, Door No.9/292, Anna
Nagar, Elavamalai Post 638 316, Erode Taluk
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Vs

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W/o.Thirumugan, Door No.6-10-11,
Kalingarayanpalayam, Mettunasuvampalayam,
Erode Taluk and District.
2. Krishnaveni
W/o.Ekambaram, Valayakara Palayam, Periya
Puliyur Post, Erode Taluk and District
Now presenty residing at Opposite to Somu Tea
Shop Near Elavamalai Co Operative Bank
Kalingarayan Palayam Post, Erode Taluk and
District.

..Respondent(s)

CRP No. 2194 of 2024

Prayer:- This Civil Revision Petition has been filed under Article 227 of the
Constitution of India seeking to set aside the fair and decreetal order dated
12.12.2023 made in IA No. 11 of 2023 in OS No. 4 of 2020 on the file of 1st



Additional Subordinate Court, Erode and allow the above CRP.

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CRP No. 2261 of 2024

Prayer:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decreetal order dated 12.12.2023 made in I.A.No.12 of 2023 in O.S.No.4 of 2020 on the file of 1st Additional Subordinate Court, Erode.

CRP No. 2262 of 2024

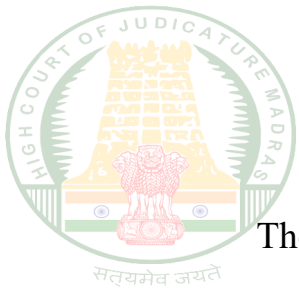
Prayer:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decreetal order dated 12.12.2023 made in I.A.No.14 of 2023 in O.S.No.4 of 2020 on the file of 1st Additional Subordinate Court, Erode and allow the above CRP.

CRP No. 2263 of 2024

Prayer:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decreetal order dated 12.12.2023 made in I.A.No.13 of 2023 in O.S.No.4 of 2020 on the file of 1st Additional Subordinate Court, Erode.

For Petitioner(s): Mr.R.Ananth
for Mr.V.V.Sathya

For Respondent(s): Mr.N.Palanikumar



COMMON ORDER

These Civil Revision Petitions have been filed challenging the impugned order dated 12.12.2023 passed in I.A.Nos.11 to 14 of 2023 dismissing the interlocutory applications(IA) filed by the petitioners. The aforesaid IAs were filed by the petitioners, who are the defendants in the suit, seeking for the following reliefs:-

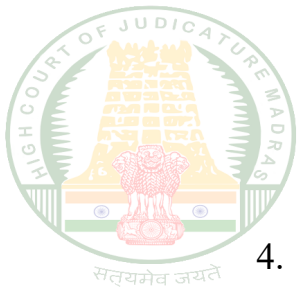
- (a) to recall DW1;
- (b) to reopen the evidence of DW1;
- (c) to receive additional documents; and
- (d) to receive additional written statement.

2. The trial Court under the impugned order rejected the aforesaid applications filed by the petitioners on the following grounds:-

(a) Only to drag on the proceedings, the petitioners have filed the aforesaid applications.

(b) Admittedly, the petitioners had filed these applications at a belated stage in the arguments stage of the main suit.

3. The suit has been filed for partition and recovery of maintenance. In the suit, the petitioners herein are the defendants, and the respondents herein are the plaintiffs. The respondents are the mother and daughter respectively, and the petitioners are the father and son respectively.



4. Admittedly, the petitioners had filed the aforesaid applications primarily on the ground that the trial Court did not frame issues with regard to lack of jurisdiction on account of the alleged improper valuation of the suit by the respondents/plaintiffs. The petitioners contend that the suit ought to have been valued under Section 37(2) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965, but, whereas they have valued this suit under Section 37(1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965. The petitioners claim that the respondents/plaintiffs are not in possession of the suit schedule property, and therefore, the suit ought to have been valued only under Section 37(2) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965. According to the petitioners, if the suit was properly valued, the suit could have been filed only before the District Court and not the Sub-Court. The said contention is disputed by the respondents/plaintiffs as seen from the counter affidavit filed by them before the trial Court.

5. Admittedly, the petitioners had taken a plea with regard to the improper valuation of the suit as well as the lack of jurisdiction of the Sub-Court. As seen from the issues framed by the trial Court, the issues with regard to improper valuation of the suit and the lack of jurisdiction have not been framed by the trial Court, but, the petitioners chose to file the interlocutory applications only in the arguments stage of the main suit. One of the reasons



given by the trial Court for dismissing the aforesaid applications is that the petitioners had filed the said applications at a belated stage in order to drag on the proceedings. This Court does not find any infirmity in the said reasoning given by the trial Court. The learned counsel for the petitioners has also not given sufficient reasons before this Court for the inordinate delay on the petitioner in filing the interlocutory applications.

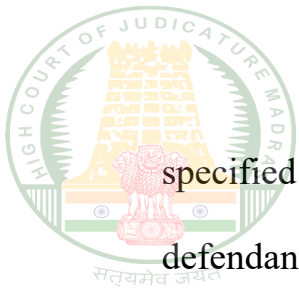
6. Admittedly, the parties involved in the dispute are family members. The plaintiffs are the mother and daughter respectively, and the defendants are the father and son respectively. When the petitioners/defendants had taken a plea of improper valuation of the suit and lack of jurisdiction in their written statement, the trial Court, after giving due consideration to the fact that the parties to the dispute are family members belonging to the very same family, ought to have considered the applications filed by the petitioners in a lenient manner. Therefore, this Court is of the considered view that when the petitioners had raised the plea of lack of jurisdiction and improper valuation through their written statement, the trial Court ought to have allowed the aforesaid interlocutory applications filed by the petitioners either by imposing cost or by fixing strict timelines for the early disposal of the suit. The trial Court ought not to have dismissed the aforesaid interlocutory applications; rather, it could have imposed certain conditions for allowing the said interlocutory applications. Since the petitioners had raised the plea of lack of



jurisdiction and improper valuation of the suit through their written statement, the trial Court ought to have framed an issue with regard to the same as well while framing issues. Admittedly, the said issue does not find a place in the issues framed by the trial Court.

7. The petitioners are also having the benefit of interim stay of further proceedings of the suit through these Civil Revision Petitions from 2024 onwards. In the interest of justice and after considering the aforesaid facts, this Court is of the considered view that these CRPs can be disposed of by directing the trial Court to frame an additional issue with regard to the alleged improper valuation of the suit and lack of jurisdiction of the court below, and by permitting the petitioners/defendants to adduce evidence.

8. This Court, after giving due consideration to the fact that the suit is of the year 2020, is inclined to fix a specific date for examination of the defendants' witness, and on that specified date, the plaintiffs' counsel shall complete the cross-examination of the defendants' witness. The learned counsel for the petitioners/defendants on instructions would submit that the petitioners/defendants undertake that on the specified date to be fixed by this Court, the witness of the defendants shall positively appear before the court below, examine himself as witness, and let in additional evidence. The learned counsel for the respondents/plaintiffs on instructions would submit that on the



specified date, the plaintiffs' counsel shall also cross-examine the witness of the defendants without fail. The aforesaid undertaking given by both the counsels on instructions is recorded by this Court.

9. For the foregoing reasons, the impugned order dated 12.12.2023 passed by the I Additional Sub-Court, Erode, in I.A.Nos.11 to 14 of 2023, is set aside by this Court and these Civil Revision Petitions are disposed of in the following manner:-

(a) I Additional Sub-Court, Erode, is directed to frame the following additional issues in the suit in O.S.No.4 of 2020.

(i) Whether the suit filed by the respondents/plaintiffs is properly valued?

(ii) Whether the suit has been filed before a court having jurisdiction?

(iii) Whether the suit ought to have been valued as per Section 37(1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965, instead of Section 37(2) as valued by the respondents/plaintiffs in the suit?

(iv) Whether the respondents/plaintiffs are in possession of the suit schedule property as claimed by them in their plaint?



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(b) The defendants' witness shall appear before the I Additional Sub-Court, Erode, on 20.07.2026, without fail, and on that date, the witness of the defendants shall adduce evidence with regard to improper valuation of the suit and lack of jurisdiction of the court below in entertaining the suit; and on the very same date, the plaintiffs' counsel shall cross-examine the witness of the defendants without fail.

(c) I Additional Sub-Court, Erode, shall not entertain any adjournment from either side and shall close the evidence on the very same date, i.e., 20.07.2026.

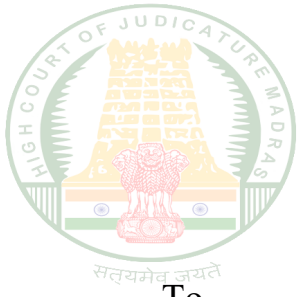
(d) Interim stay already granted by this Court in these CRPs shall stand vacated.

(e) I Additional Sub-Court, Erode, shall dispose of the suit in O.S.No.4 of 2020 within a period of four months from 20.07.2026.

No Costs. CMP.No.11645 of 2024 is closed.

01-07-2026

Neutral Citation: Yes/No
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To
I Additional Sub-Court,
Erode.



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ABDUL QUDDHOSE J.

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