



CRP.No.2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

CRP No. 2408 of 2025 & CMP.No.13881 of 2025

1. K.Selvaraj
S/o. Kandasamy, No.47,KS Paby Illam, Dr.
Radhakrishnan Nagar, Udumalpet Town,
Tiruppur - 126, Tamil Nadu.
2. S. Radhika
W/o. K. Selvaraj, No.47, KS Paby Illam, Dr.
Radhakrishnan Nagar, Udumalpet Town,
Tiruppur -126, Tamil Nadu.

..Petitioner(s)

Vs

1. Mani
S/o. Natchimuthu, No.4/159, Ranger Garden
Mill Quarters, Majara Santhipalayam, Ketti
Seviyur Village, Sokkumaraipalayam,
Gobichettipalayam Taluk (Now Nambiyur
Taluk), Erode District.
2. Premalatha
W/o. Mani, No.4/159, Ranger Garden Mill
Quarters, Majara Santhipalayam, Ketti Seviyur
Village, Sokkumaraipalayam,
Gobichettipalayam Taluk (Now Nambiyur
Taluk) Erode District.

..Respondent(s)



CRP.No.2100 of 2024

Prayer : Civil Revision Petition has been filed under Article 227 of Constitution of India to set aside the impugned order dated 28.11.2024 passed in IA No.4/2024 in OS NO.798 of 2022 on the file of the Learned IV Additional District Judge, at Udumalpet.

For Petitioner(s): Mr.Prakash Adiapadam

For Respondent(s) : Mr.S.A.Syed Shuhaibb

ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.4 of 2024 in O.S.No.798 of 2022, the present Civil Revision Petition has been preferred by the defendants.

2. The respondents/plaintiffs had filed the suit for partition of the suit property in two equal shares and allot one such share to the plaintiffs and for separate possession. The defendants, immediately after entering appearance had filed an application to reject the plaint on the ground that there is no cause of action to file the suit and false date mentioned in the cause of action amounts to fundamental flaw and that the suit is under valued. The said application was opposed by the respondents.



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Considering the submissions on either side, the trial Court had dismissed the application.

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Challenging the same, the present Civil Revision has been preferred by the defendants.

3. The learned counsel appearing for the petitioners would submit that since the identity of the property itself is in dispute and false date mentioned in the cause of action would amount to fundamental flaw in the plaint and as the suit is under valued, the plaint has to be rejected.

4. A perusal of the records reveal that the first plaintiff and the first defendant had jointly purchased the property and the plaintiffs have filed the suit for partition and separate possession. As the parties have jointly purchased the property, they are entitled to file a suit for partition and for separate possession. With regard to cause of action, the same has been properly described in the plaint. Other grounds pleaded by the petitioners with regard to payment of Court Fees etc. have to be adjudicated only at the time of trial. Hence, the trial Court has rightly dismissed the application, which needs no interference.



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5. Accordingly, this Civil Revision Petition is dismissed. No costs. The trial

Court is directed to dispose the suit in O.S.No.798 of 2022 as early as possible. Consequently connected miscellaneous petition is closed.

11.03.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The IV Additional District Judge,
Udumalpet, Tiruppur.



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T.V.THAMILSELVI, J.

vrc

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