



WEB COPY

CRP No. 2411 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

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

**CRP No. 2411 of 2026
and CMP.No.10308 of 2026**

A.Janaki
W/o. J.Amalraj,
No.2/595, Karpagam Packaging Industries,
Singaravelan Salai,
Chinna Neelan Karani,
Chennai-600 115.

..Petitioner(s)

Vs

1. J.Emmanuel
S/o/ D.Jeyaraj,
Plot No.F.Baba Villa,
No.31A, 1st Street,
New Colony,
VOC Nagar,
Anna Nagar East,
Chennai-600 102
2. J.Irundayamay
D/o.D.Jeyaraj,
No.2/595, Karpagam Packaging Industries,
Singaravelan Salai,
Chinna Neelan Karani,
Chennai-600 115.
3. S.Pauline Sharmila
D/o.Josephine Mary Fathima,
Caros Kudil, Plot no.87, KVT Township,
Vadaperumbakkam,
Madhavaram,
Chennai 600 060.
4. S.Irene Kavitha
D/o.Josephine Mary Fathima,
No.113, 6th Cross Street,
KKR Garden,



Thapaalepetti,
Madhavaram,
Chennai 600 060.

5. P.Jothi
W/o.J.Pushparaj,
No.2/595, Singaravelan Salai,
Chinna Neelan Karani,
Chennai 600 115.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the impugned judgement and decree dated 24-02-2026 made in IA.No.3 of 2024 in OS.No.71 of 2024 on the file of the Ld.Addl.Dist.Judge Cum Sessions Judge, Mahila Court, Chengalpet and consequently stuck off the plaint filed in OS.No.71 of 2024 pending on the file of the Ld.Addl.Dist.Judge Cum Sessions Judge, Mahila Court, Chengalpet.

For Petitioner(s): MR.V.RAGHAVACHARI SENIOR COUNSEL
FOR MR.V.Johnson Yuvaraj

For Respondent(s): MR.A.SARAVANAN FOR R1

ORDER

Challenging the impugned order passed by the trial Court in I.A. No.3 of 2024 in O.S.No.71 of 2024 dated 24.02.2026, the first defendant has preferred the present revision.

2. Before the trial Court, the first defendant filed an application seeking rejection of the plaint, contending that, by virtue of a Will executed by



Pushparaj dated 24.01.2001, she is the absolute owner of the suit property. It is her case that her husband was the absolute owner and, upon his death, she succeeded to the entire property under the said Will. According to her, the plaintiff, who is the brother of the deceased Pushparaj, has filed the suit without disclosing the existence of the said Will, and therefore, there is no cause of action to proceed with the suit. On the said grounds, she sought rejection of the plaint. However, the trial Court dismissed the application. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that the plaintiff has suppressed material facts, particularly the execution of the Will, which was well within his knowledge. It is further contended that even from the averments in the plaint, such suppression can be inferred, but the trial Court failed to properly appreciate the same.

4. Per contra, it is contended that even assuming the existence of the Will, the entitlement of the parties and the validity and effect of the Will are matters that require adjudication. It is further submitted that, under the applicable law, the first defendant may not be entitled to the entire property, and there exist triable issues involving both questions of fact and law.



5. On a perusal of the materials available on record, this Court is of the view that the issues raised by the parties, including the validity, effect, and due execution of the Will, as well as the alleged suppression of facts, are all matters to be decided only upon full-fledged trial. At the stage of considering an application for rejection of plaint, such disputed questions cannot be gone into.

6. In such circumstances, this Court finds no infirmity in the order passed by the trial Court in dismissing the application for rejection of plaint. However, considering the fact that the plaintiff is aged about 71 years, the trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

22-04-2026

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



MPA
To

1. The Additional District Judge Cum Sessions Judge, Mahila Court, Chengalpet.
2. The Section Officer, V.R.Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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