



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-03-2026**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 4286 of 2025**

**AND**

**CMP NO. 22010 OF 2025**

1. Sangeetha  
W/o Balan, Kandhagoundanur Village  
and Post, Pappireddypatti Taluk,  
Dharmapuri District

2.Mathesh  
S/o Late Chinnasamy,  
Kandhagoundanur Village and Post,  
Pappireddypatti Taluk, Dharmapuri  
District

3.Malathi  
W/o Arivalagan, Jolliyur Village,  
Regadahalli Post, Pappireddypatti  
Taluk, Dharmapuri District

Petitioner(s)

Vs

1. Indirani  
W/o late Chinnasamy,  
Kandhagoundanur Village and Post,  
Pappireddypatti Taluk, Dharmapuri  
District

2.Chinnammal  
W/o Late Pachaiyappan,  
Ammapalaiyam Village, Alapuram  
Post, Pappireddypatti Taluk,  
Dharmapuri District

3.Parvathi  
W/o Raju, Agragarm X-Road,  
H.Agragaram Post, Harur Taluk,



Dharmapuri Dt

4.Jayakodi

W/o Raju, Solaikottai Village, Harur  
Taluk, Dharmapuri Dt

5.Chennaiyan

A.Periyaveeran, A.Velampatty Villag,  
H.Aragaram Post, Harur Taluk,  
Dharmapuri Dt

6.Dhanam

W/O Rajendran, A.Velampatty Village,  
H.Aragaram Post, Harur Taluk,  
Dharmapuri Dt

7.Sivakumar

S/o Raju, Agragarm X-Road,  
H.Aragaram Post, Harur Taluk,  
Dharmapuri Dt

8.Siva

S/o Raju, Agragarm X-Road,  
H.Aragaram Post, Harur Taluk,  
Dharmapuri Dt

9.Rajendran

S/o Late Sundaram, A.Velampatty  
Village, H.Aragaram Post, Harur  
Taluk, Dharmapuri Dt

Respondent(s)

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**PRAYER**

To set aside the fair and decreetal order passed by the Subordinate Court, Harur, Dharmapuri Dated dated 02.02.2023 made in IA.No. 01 of 2022 in OS.No.49 of 2014 and to allow the Interlocutory application as prayed for or pass any other orders as may be deem fit and the interest of justice.

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For Petitioner(s): J.Pradeep  
K.balakrishnan  
R.geethalakshmi



For Respondent(s): M/s.R.Jayaprakash  
R.S.Maitreya  
M.Pavitra  
S.Prathosh  
P.Manoj Pandian  
Saba Fathima For R6 And R9  
M/s.V.Nicholas-ms/145/1969  
N.E.A.Dinesh For R4 And R8  
Notice Sent To Rr1, 2, 3, 5 And 7  
- Service Awaited  
Pvt. Notice  
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Aos Not Filed

### **ORDER**

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order passed by the Subordinate Court, Harur, Dharmapuri, dated 02.02.2023 passed in I.A. No. 01 of 2022 in O.S. No.49 of 2014.

2. The brief facts of the case are:

The petitioners herein filed I.A No. 1 of 2022 in OS No. 49 of 2014 on the file of the Subordinate Court, Harur, to set aside the ex-parte order dated 15.04.2015. Upon hearing both sides, the Trial Court holding that, already the plaintiff's side evidence was completed and when the case is posted for defendant's side evidence, nearly about 9 years later, the petitioners had filed the application with an intention to drag on the proceedings, dismissed the application. Challenging the same, the petitioner preferred this Civil Revision Petition.



3. The learned counsel for the petitioners submit that the petitioners had gone to Bangalore for coolie work in order to earn their livelihood and hence, they could not attend the Court on the hearing date. Upon their return, when they were informed that they had been set ex-parte, they had filed the present application. But, without considering the above fact, the Trial Court dismissed the petitioners' application. Hence, he prays to allow this petition.

4. The learned counsel for the contesting respondents submits that the partition was held between the Chinnasamy and Jayakodi, the present present petitioners are legal heirs of said Chinnasamy. From Jayakodi, 9<sup>th</sup> respondents purchased the suit property. Now, the petitioners come forward with present petition colluding with other respondents. Further, they were not inclined to participate the proceedings for 9 years but now come forward with application and the same was rightly dismissed by the Trial Court. The learned counsel for the respondents pointed out that as per the written statement submitted by the petitioners before the Trial Court that they are claiming  $\frac{1}{4}$  share in the suit property including property purchased by the purchaser/9<sup>th</sup> respondent. Hence, he raised objection to allow this petition.

5. Heard both sides.

6. A perusal of records show that the plaintiff/first respondent filed the suit for partition as legal heir of Chinnasamy claiming  $\frac{1}{4}$  share in the property. However, portion of suit property sold by Jayakodi/4th respondent to 6<sup>th</sup> and 9<sup>th</sup>



respondents herein. The suit property was in the name of Chinnasamy. If at all any partition held between the parties, they are entitled to prove the same since it is registered partition effected among family members. The said partition deed dated 27.02.2006 is shown as one of the documents in the suit on the side of the plaintiff. Therefore, if at all the partition already held between the parties they are entitled to prove the same with evidence. Therefore, giving opportunity to the defendants/petitioners would not cause any prejudice to the respondents. Since it is partition suit all the parties are treated as plaintiff. In order to avoid multiplicity of proceedings this Court is inclined to set aside the order passed in I.A No.1 of 2022 in OS No. 49 of 2014 by the Trial Court. Accordingly, this Civil Revision Case is allowed. No Costs. Pending petition, if any, is/are closed.

**05-03-2026**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Subordinate Court, Harur, Dharmapuri.

2. The Section officer, V. R Section, High Court, Madras.



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**T.V.THAMILSELVI J.**  
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