



WEB COPY

CRP No. 3785 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

CRP No. 3785 of 2025 & CMP.No.20135 of 2025

Vinothkumar
S/o. Palani, D.No. 122, Appavu Nagar, Hosur
Taluk, Krishnangiri District.

..Petitioner(s)

Vs

1. Kulandai
S/o. Thayappa Gounder, Kallathupatti Village,
Sigarlapalli Post, Bargur Taluk, Krishnagiri
Dist.
2. Saroja
W/o. T.Kulandai
Kallathupatti Village, Sigarlapalli Post, Bargur
Taluk, Krishnagiri Dist.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to SET ASIDE the order passed by the Principal Subordinate Court, Krishnagiri, in IA No. 14 / 2025 in O.S No. 102 / 2020 dated 02.07.2025.

For Petitioner(s): Mr.S.Ramajayam

For Respondent(s): Mr.D.Panchatsaram



ORDER

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Challenging the impugned Order passed by the trial Court in I.A.No.14 of 2025 in O.S.No.102 of 2020, dated 02.07.2025, the present Civil Revision Petition has been preferred by the 8th defendant.

2. The plaintiffs filed the suit for declaration of the title of the first plaintiff with reference to the suit schedule properties, for permanent injunction against the defendants 1 to 4 and 8 from interfering with their peaceful enjoyment and possession of the suit schedule properties by the plaintiffs' family and to declare the fraudulent registered Document No.3297 of 2024 dated 29.07.2024 as null and void pertaining to the suit schedule property belonging to the plaintiffs. Pending suit, the 8th defendant had filed an application to reject the plaint under Order VII Rule 11 CPC stating that the suit property does not belong to the plaintiff and the alleged deed of partition has been forged by the plaintiff and no documents have been filed to prove possession of the property by the plaintiff and there is no cause of action to file the suit. The plaintiff had filed counter and raised objections for allowing the application. Considering the submissions on either side, the trial Court dismissed the application. Challenging the same, the present Civil Revision Petition has been filed by the 8th defendant.



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3. A perusal of records reveal that pending suit, the defendants 1 to 4 have partitioned among themselves and the 8th defendant had purchased the suit property on 09.07.2024 from the first defendant. Further the plaintiff has filed the suit in the year 2020 for declaration and consequential injunction and subsequent to the transfer of the property, the prayer has been amended to declare the document as null and void. Further in the suit P.W.1 has also been examined in chief and he was also cross examined. Thereafter, the present application has been filed by the 8th defendant for rejection of the plaint on the ground that earlier partition has not been specifically pleaded in the plaint averments. As on date, trial has also commenced and the plaintiff has also been examined in the suit. If at all the earlier partition is not pleaded, the 8th defendant is entitled to raise all his defence during trial. Hence, this Court is of the view that , the trial Court has rightly dismissed the application and the same requires no interference and there is no merits in this revision. The first defendant is aged about 79 years. Hence, the trial Court is directed to dispose of the suit in O.S.No.102 of 2020 within a period of three months from the date of receipt of a copy of this Order. All the parties are directed to co-operate with the trial proceedings.



4. With the above directions, this Civil Revision Petition is dismissed.

No costs. Consequently connected miscellaneous petition is closed.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The Principal Subordinate Judge,
Krishnagiri.



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T.V.THAMILSELVI, J.

VTC

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