



WEB COPY



C.R.P.No.57 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.57 of 2026
and C.M.P.No.157 of 2026

M/s.Ellarge Investments Pvt. Ltd.
(Now called as LRG Technologies Ltd.)
Represented by its Director,
Mr.S.R.Venkatachalam,
S/o.R.Ramasamy,
Having office at 2000, Trichy Road,
Singanallur, Coimbatore – 641 005.

... Petitioner

vs.

1.M.Anna Glory Luthy Mary

2.A.Isabella Mary

L.Juthayarai (Died)

L.Maria Selvaraj (Died)

L.Irudhaya Jaiprakashraj (Died)

3.Eshwaramoorthi

4.K.Muthusubramaniam

5.Rathinasamy

6.Chithambarasamy



C.R.P.No.57 of 2026

7.Deivanayaki

8.J.Gnanasundari

9.J.Jai Leo Raj

10.J.Charles Leo Raj

11.J.Biyo Leo Raj

12.J.Alphonse Louis

13.I.Victoria Mary

14.I.Anto Jephro

15.I.Richardson

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 15.09.2025 rendered in I.A.No.7 of 2025 in O.S.No.175 of 2019 on the file of Sub Judge, Palladam.

For Petitioner : Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/4th defendant seeking rejection of the plaint.

2. The respondents 1 and 2 filed a suit for partition against the petitioner and other respondents. The respondents 1 and 2/plaintiffs and the



defendants 1 to 3 are the brothers. The petitioner/4th defendant had purchased Item-2 of the suit property from the defendants 1 to 3. The trial in the suit is already commenced and it is posted for recording of evidence of defendants side. At this stage, an application has been filed by the petitioner/4th defendant seeking rejection of the plaint and the same was dismissed by the Trial Court on the ground that the issues raised by the petitioner can be considered only at the time of final disposal. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner raised following four points for rejection of the plaint:-

- (i) Partial Partition
- (ii) non-joinder of necessary parties
- (iii) suit barred by limitation
- (iv) absence of cause of action.

4. It is the case of the petitioner that apart from suit properties in respect of which the suit has been filed there are two other properties and the same have not been included in plaint. Whether other two items are available for partition, is a matter to be decided at the time of final disposal.



Hence, the same cannot be considered at this stage. Further, when the petitioner claims two other properties are available for partition, the fourth ground urged by the petitioner that there is no cause of action for filing the suit cannot be accepted. The plea of partial partition and absence of cause of action cannot go together.

5. It is further stated by the petitioner that they purchased the 2nd item of property from the defendants 1 to 3 through their Power Agent and the said Power Agent has not been impleaded as a party and hence, the suit is bad for non-joinder of necessary party. Mere non-impleadment of Power Agent of vendor of the petitioner, who is not a sharer is not fatal to the suit. Therefore, this Court is not impressed by the argument made by the learned counsel for the petitioner on the ground of non-joinder of necessary party.

6. It is further submitted by the petitioner that they purchased the suit property in the year 1998 itself and the present suit has been filed only in the year 2014 and therefore, the suit is hopelessly barred by limitation.

7. A perusal of the plaint would indicate that the plaintiffs clearly stated that they acquired knowledge about the sale in favour of petitioner



C.R.P.No.57 of 2026

only in the year 2012, therefore, on the basis of averment found in the plaint, the suit is very well within the limitation period. Further, even assuming the suit is barred by limitation in respect of one of the item, plaint cannot be rejected *in toto*, since rejection of the part of the plaint is not permissible in law. Therefore, the said submission made by the learned counsel appearing for the petitioner is also not acceptable to this Court.

8. It is already stated above that the plea of partial partition and absence of cause of action cannot go together. Therefore, I do not find any irregularity or illegality in the impugned order passed by the Trial Court.

9. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

08.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Sub Judge, Palladam.

5/6



WEB COPY



C.R.P.No.57 of 2026

S.SOUNTHAR, J.

dm

C.R.P.No.57 of 2026

08.01.2026