



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

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

CRP No. 413 of 2026

AND

CMP No. 2385 of 2026

R.Shivashanker,
S/o.Late Raman alias T.M.Ramaiah,
Maddaiana Hundi,
Beerambadi Post,
Hangala Hobli, Gundelpet Taluk,
Chamraj District, Karnataka.

..Petitioner(s)

Vs

1. R.Shantharajappa alias Thimme Gowda,
S/o.Late Raman alias T.M.Ramaiah,
Maddaiana Hundi,
Beerambadi Post,
Hangala Hobli, Gundelpet Taluk,
Chamraj District, Karnataka.
Raman alias T.M.Ramaiah (Died)
2. R.Chandrashekar,
S/o.Late Raman alias T.M.Ramaiah,
Kil Koddappamandu,
Udhagamandalam,
The Nilgiris.
3. Premakumari,
D/o.Late Raman alias T.M.Ramaiah,
Near New Goodsheppered International School,
Muthorai Village and Post,
Udhagamandalam, The Nilgiris.
4. Vasantha Kumari,
Door No.C-93,
Housing Board Colony,
Srirangapatna Post,



Srirangapatna,
Mandya District,
Karnataka.
Lakshmi Amma (Died)

..Respondent(s)

CMP No. 2385 of 2026

R.Shivashanker,
S/o.Late Raman alias T.M.Ramaiah,
Maddaiana Hundi,
Beerambadi Post,
Hangala Hobli,
Gundelpet Taluk,
Chamraj District,
Karnataka.

..Appellant(s)

Vs

1. R.Shantharajappa alias Thimme Gowda,
S/o.Late Raman alias T.M.Ramaiah,
Maddaiana Hundi,
Beerambadi Post,
Hangala Hobli,
Gundelpet Taluk,
Chamraj District, Karnataka.
Raman alias T.M.Ramaiah (Died)
2. R.Chandrashekar,
S/o.Late Raman alias T.M.Ramaiah,
Kil Koddappamandu,
Udhagamandalam,
The Nilgiris.
3. Premakumari,
D/o.Late Raman alias T.M.Ramaiah,
Near New Goodsheppered International School,
Muthorai Village and Post,
Udhagamandalam, The Nilgiris.
4. Vasantha Kumari,
Door No.C-93,
Housing Board Colony,



Srirangapatna Post,
Srirangapatna,
Mandya District,
Karnataka.
Lakshmi Amma (Died)

..Respondent(s)

CRP No. 413 of 2026

To set aside the order passed in IA.No.2 of 2025 in OS.No.13 of 2012, dated 17.07.2025 on the file of the District Judge, Nilgiris District, at Udhagamandalam (now pending on the file of the Nilgiris District, Family Court, Udhagamandalam and renumbered as OS.No.13 of 2025) and pass such further or other orders as this Honble Court deems fit and proper in the circumstances of the case and thus render justice.

CMP No. 2385 of 2026

To stay all further proceedings in OS.No.13 of 2025 on the file of the Nilgiris District Family Court, Udhagamandalam, pending disposal of the above CRP and pass such further or other orders as this Honble Court deems fit and proper in the circumstances of the case and thus render justice.

CRP No. 413 of 2026

For Petitioner(s): Mr.A.Vijayakumar For Mr.M.Devaraj

For Respondent(s): Mr.K.Sarath chandran FOR R3
Mr.R.bharadwajaramasubramaniam
FOR M/S.VIVRTI LAW FOR R4
R1 - SERVICE AWAITED
R-2 - NO APPEARANCE



ORDER

This Civil Revision Petition is filed to set aside the order dated 17.07.2025 passed in I.A.No.2 of 2025 in O.S.No.13 of 2012, on the file of the District Judge, Nilgiris District, at Udthagamandalam (now pending on the file of the Nilgiris District, Family Court, Udthagamandalam and renumbered as O.S.No.13 of 2025).

2. The learned counsel for the petitioner would submit that the 1st respondent/plaintiff has filed the suit for partition seeking to pass a preliminary decree as he is entitled to 7/36 share in the suit properties. In the suit, the plaintiff had deliberately included the personal properties of the 2nd defendant/petitioner herein which will have to be pleaded as exclusive property of the 2nd defendant/petitioner herein. Hence, the petitioner wants to file additional Written Statement before the Trial Court to plead that the suit properties included by the plaintiff in the suit schedule property are the absolute property of the petitioner/2nd defendant by virtue of the Will, Settlement Deed and Sale Deed. Further, even though the Written Statement has been filed by the petitioner/2nd defendant along with the 3rd defendant, the properties owned by the 2nd defendant are not pleaded therein since the instruction given by the 2nd defendant have not been suitably transmitted in the Written Statement. The Trial Court without considering the aforesaid facts, wrongly dismissed I.A. No.2 of 2025 in O.S. No.13 of 2012 holding that the 2nd Defendant/petitioner herein has



filed the Written Statement along with 3rd defendant and adopted the Additional Written Statement filed by the 3rd defendant twice and after commencement of Trial, he is not entitled to file the Additional Written Statement for the 3rd time. Hence, he seeks to set aside the order dated 17.07.2025 made in I.A. No.2 of 2025 passed by the Trial Court.

3. Per contra, the learned counsel for the 3rd and 4th respondents have raised objections that the petitioner/2nd defendant jointly had filed his Written Statement along with the 3rd defendant and hence, he is not entitled to file the Additional Written Statement after framing of issues and commencement of Trial. Further, the petitioner has filed the said application to drag on the Trial proceedings. Hence, the Civil Revision Petition is liable to be set aside.

4. Heard both sides and perused the material available on record.

5. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the suit has been filed for partition seeking to pass preliminary decree for his share. However, the 2nd defendant wants to file his additional Written Statement individually since his own properties obtained by way of Will, Settlement Deed and Sale Deed, have been included in the suit schedule properties. In order to prove his ownership in the suit schedule property, the 2nd defendant has to be



given sufficient opportunity. Hence, this Court is inclined to permit him to file his Additional Written Statement before the Trial Court by setting aside the order dated 17.07.2025 made in I.A. No.2 of 2025 in O.S. No.13 of 2012 passed by the Trial Court and further, he would not be allowed to file any other applications with the intention to drag on the proceedings. The Trial Court is hereby directed to dispose of the suit in O.S. No.13 of 2012 within a period of three months from the date of receipt of copy of this order.

6. With the aforesaid directions, the Civil Revision Petition is disposed of.

No costs.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Lbm



CRP No. 413 of 2026 and CMP No. 2385 of 2026

To

1. R.Shantharajappa alias Thimme Gowda,
S/o.Late Raman alias T.M.Ramaiah,
Maddaiana Hundi,
Beerambadi Post,
Hangala Hobli,
Gundelpet Taluk,
Chamraj District,
Karnataka.
Raman alias T.M.Ramaiah (Died)
2. R.Chandrashekar,
S/o.Late Raman alias T.M.Ramaiah,
Kil Koddappamandu,
Udhagamandalam,
The Nilgiris.
3. Premakumari,
D/o.Late Raman alias T.M.Ramaiah,
Near New Goodsheppered International School,
Muthorai Village and Post,
Udhagamandalam, The Nilgiris.
4. Vasantha Kumari,
Door No.C-93,
Housing Board Colony,
Srirangapatna Post,
Srirangapatna,
Mandya District,
Karnataka.
Lakshmi Amma (Died)



WEB COPY

CRP No. 413 of 2



T.V.THAMILSELVI J.

Lbm

**CRP No. 413 of 2026
AND
CMP No. 2385 of 2026**

18-03-2026