



CRP(MD). No.219 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.219 of 2026
and
CMP(MD) No.906 of 2026**

1.D.Nithyananda Sekar

2.D.Santhi

... Petitioners

Vs

1.D.Balasubramaniyan

2.G.Thaayamma

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records pertaining to the docket order dated 20.08.2025 passed in I.A.No. 1 of 2025 in O.S.No. 173 of 2025 on the file of District Court, Karur set aside the same.

For Petitioner : Mr.A.Arul Jenifer for
Mr.J.Sathiaraj

ORDER

This Civil Revision Petition has been filed challenging the docket order dated 20.08.2025 made in I.A.No.unnumbered of 2025 in O.S.No.173 of 2025 on the file of the District Court, Karur.



CRP(MD). No.219 of 2026

WEB COPY

2.The petitioners/plaintiffs have filed a suit in O.S.No.173 of 2025 before the District Court, Karur, for the relief of partition and separate possession along with other reliefs. Pending suit, they have filed an application in I.A.No.unnumbered of 2025 seeking to pass an order allotting the share of the second plaintiff in favour of the first plaintiff and the same had been returned by the Court below, vide order dated 20.08.2025, on the ground of maintainability. Challenging the same, the present Revision.

3.The learned counsel for the petitioners reiterating all the contentions set out in the memorandum of Civil Revision Petition would submit that returning the plaint by the Court below is a ministerial act. He would further submit that if the present application is not numbered, the petitioners will be put to irreparable loss and hardship. Therefore, he seeks interference of this Court with the order impugned in this Civil Revision Petition.

4.Heard the learned counsel for the petitioners and records perused. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.



CRP(MD). No.219 of 2026

WEB COPY

5. Admittedly, the petitioners/plaintiffs have filed the suit for partition along with other reliefs. Pending suit, they filed the present application seeking to pass an order allotting the share of the second plaintiff in favour of the first plaintiff and the same had been returned by the Court below on the ground of maintainability, which is under challenge herein.

6. It is to be noted that when an application filed by a person has been returned on the ground of maintainability by a Court, it is for him/her to assail reasons as to how such an application is maintainable before such Court.

7. Therefore, considering the facts and circumstances of the case and after perusal of the averments made in the application, without going into the merits of the case, this Court directs the petitioners to re-present the application in I.A.No.unnumbered of 2025 before the District Court, Karur, explaining the reasons as to how such petition is maintainable before such Court, within a period of two weeks from the date of receipt of a copy of this order and on such re-presentation within the time stipulated by this Court, the learned District Judge,



CRP(MD), No.219 of 2026

Karur, is directed to consider the same and pass appropriate orders with regard to numbering of such petition, after hearing the petitioners, in accordance with law, within a period of one month therefrom.

8.The Civil Revision Petition stands disposed of, with the aforesaid directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
mm

29.01.2026

To

The District Judge, Karur



WEB COPY



CRP(MD). No.219 of 2026

N.SENTHILKUMAR, J.

mm

CRP(MD). No.219 of 2026

29.01.2026