



CRP(MD). No.647 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.SENTHILKUMAR

CRP(MD).No.474 of 2026 and
CMP(MD).No.2123 of 2026

Murugaiah

... Petitioner

Vs

1.Murugesan
2.Pitchaiammal
3.Dhanam
4.Leelavathi
5.Tamilarasi

... Respondent

PRAYER :- Civil Revision Petition filed under Section 115 CPC as against the fair and decreetal order dated 06.12.2025 on the file of the learned Principal Sub Court, Dindigul in I.A.No.610 of 2016 in O.S.No. 55 of 2013.

For Petitioner

: Mr.A.K. Manikkam

ORDER

The present Civil Revision Petition has been filed challenging the order dated 06.12.2025 passed in I.A. No.610 of 2016 in O.S. No.55 of 2013 on the file of the learned Principal Sub Court, Dindigul.

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2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The learned counsel appearing for the revision petitioner, submitted that the said suit in O.S. No.55 of 2013 has been filed by the respondents / plaintiffs for partition. He further submitted that partition suit has been filed belatedly, despite an earlier oral partition having already taken place between the parties. It is further contended that there is no cause of action for instituting the suit.

4. However, whether there was a prior partition, whether the suit is barred by limitation, and whether there exists a valid cause of action are all mixed questions of fact and law, which must be established by letting in evidence before the Trial Court. Such disputed questions cannot be adjudicated in a revision petition at the threshold. The proper course for the petitioner is to raise all the above contentions before the Trial Court and establish the same during trial.



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5. In view of the above, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.02.2026

TRP

Index : yes / no

Internet: yes/ no

TO

Principal Sub Court, Dindigul



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N.SENTHILKUMAR, J.,

trp

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