



C.R.P.(MD).No.1310 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2026

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).No.1310 of 2026
and C.M.P(MD).No.6195 of 2026

1.Ravichandran
2.Viduthalai Selvi
3.Sakthivel

... Petitioners

Vs.

1.Rajeshwari
2.Banumathi
3.Padmini

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order made in I.A.No.1 of 2026 in O.S.No.342 of 2024 on the file of the Additional Subordinate Court, Thanjavur dated 13.03.2026 and allow this civil revision petition.

For Petitioners : Mr.G.Porkodi

ORDER

The defendants are the civil revision petitioners. O.S.No.342 of 2024 is a suit for partition and separate possession. In the said suit, written statement has been filed, issues have been framed and the matter is now at the stage of trial. At that time, the defendants took out an application seeking for a direction to the plaintiffs to include the omitted joint family properties as a schedule to the suit. This application was received by the learned Additional Subordinate Judge, Thanjavur, in I.A.No.1 of 2026. After the consideration of the affidavit, petition and counter filed therein, he dismissed the same. Hence, this revision.



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2.I heard Ms.G.Porkodi for the revision petitioners. She reiterated the contention that was placed by her counterpart in the trial Court.

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3.Ms.Porkodi is right in law that in a suit for partition, all the parties, who have a share and all the properties of the joint family have to be included in the plaint. Yet, applying this principle to the facts of the present case, I do not find any error in the order passed by the learned Additional Subordinate Judge, for the reason that the defendants have not stated what are the properties that have been left out. Unless and until, the defendants give the details of the properties, which the plaintiffs have left out, obviously, the Court cannot call upon the plaintiffs to amend the plaint to include those properties also. The reasoning given by the learned Additional Subordinate Judge in paragraph No.5 of the affidavit is unimpeachable. When the affidavit is bereft of details, obviously, there cannot be a direction to the plaintiffs to amend the plaint to include left out properties. I have no reason to take a different view than that taken by the learned trial Judge. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Rmk



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To

1.The Additional Subordinate Judge, Thanjavur.

2.The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai.



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V.LAKSHMINARAYANAN,J.

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