



CRP(MD). No.3763 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

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THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.3763 of 2025 and
CMP(MD).No.19808 of 2025

Ravikumar

... Petitioner

Vs

1. Usha Rani
2. Guruvammal
3. Chandran
4. Kengammal
5. Mahalakshmi
6. Vijayarani

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the impugned fair and decreetal order passed in I.A.No. 23 of 2025 in O.S.No. 90 of 2012 dated 06.11.2025 on the file of the Honourable Sub Court, Kovilpatti.

For Petitioner : Mr. Lakshmi Gopinath

For Respondent No.1 : Mr.M. Prabhu,
For respondents 2 & 3 : Mr. Fx. Eugene
For respondents 4 & 5 : Mr. K. Ganesa Moorthi
For respondent No.6 : Mr. Balamaniandan
Legal laid counsel



CRP(MD), No.3763 of 2025

ORDER

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This Civil Revision Petition has been filed to set aside the fair and decretal order dated 06.11.2025 passed in I.A. No. 23 of 2025 in O.S. No. 90 of 2012 on the file of this Court.

2. The said application was filed for rejection of the plaint. The learned counsel appearing for the revision petitioner submitted that the trial Court decided the application on three grounds, namely, with regard to coparcenary rights, personal rights, and the issue relating to the validity of the second marriage of the first respondent. The trial Court came to the conclusion that these issues have to be decided only after adducing evidence, particularly to ascertain whether the first respondent had contracted the second marriage during the lifetime of his first wife. The trial Court also rendered findings with regard to the joint nature of the properties and the question of court fee, observing that court fee had been paid on the basis of possession. Ultimately, the trial Court held that all these issues can be decided only after a full-fledged trial, upon appreciation of evidence, including the question of coparcenary rights



CRP(MD), No.3763 of 2025

and as to who is in possession of the suit schedule property.

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3. The learned counsel for the revision petitioner further pointed out that though the trial Court framed certain issues, it did not specifically frame issues relating to coparcenary rights and possession of the property. Therefore, she prayed that the trial Court be directed to frame appropriate additional issues. The learned counsel appearing for the respondents did not seriously dispute that these issues are essential and arise for consideration.

4. Considering the fact that these issues are contentious in nature and are crucial for proper adjudication, this Court directs the trial Court to consider the framing of appropriate additional issues, if necessary, upon an application being filed by the revision petitioner. The revision petitioner is therefore directed to file an appropriate application before the trial Court seeking framing of additional issues.

5. The parties, through their respective counsel, also submitted that



CRP(MD), No.3763 of 2025

all these issues are triable in nature and can be effectively decided only after letting in evidence, including determination of coparcenary rights and possession of the property. This contention has been rightly accepted by the trial Court, and this Court finds no reason to interfere with the order passed by the trial Court, as the issues raised are matters for trial.

6. Accordingly, there is no interference with the order passed by the trial Court. However, if an application is filed by the revision petitioner for framing additional issues, the same shall be considered by the trial Court in accordance with law.

7. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

8. This Court also places on record its appreciation for the commendable efforts of the legal aid counsel appearing for the 6th respondent, namely Mr. Bala Manikandan, for conducting the case



CRP(MD), No.3763 of 2025

diligently and rendering valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards remuneration to the said legal aid counsel for conducting the case, within a period of two weeks from the date of receipt of a copy of this order.

9. The Registry is directed to forward a copy of this order to the Legal Services Committee for information.

23.02.2026

trp

Index : yes / no

Internet : yes / no

TO

Sub Court, Kovilpatti.



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CRP(MD), No.3763 of 2025

N. SENTHILKUMAR,J

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