



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2231 of 2026

and

CMP.No.9710 of 2026

1. Kathirvel
S/o Late Marappa Gounder,
Kurukkapalayam,
Semmandampalayam, Sulur Tk,
Coimbatore Dist. and another
2. K. Saravanan
S/o. Kathirvel, No.3/10,
Kurukkapalayam,
Semmandampalayam, Sulur Taluk,
Coimbatore Dt.

Petitioner(s)

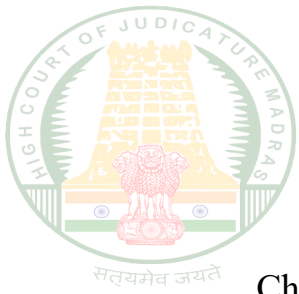
Vs

1. N. Rajasekar
S/o Nallathambi, D.No T-12,
Kovaipudur, Coimbatore 641042
- 2.N. Venkatesh
S/o. Nallathambi, D.No.T-12,
Kovaipudur, Coimbatore 641 042.

Respondent(s)

For Petitioner(s): MR.R.Bharath Kumar

For Respondent(s):

**ORDER**

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Challenging the impugned order passed in I.A. No. 1 of 2023 in O.S.No.16 of 2021, defendants 1 and 2 have filed the present revision.

2. Before the trial Court, the defendants filed an application seeking rejection of the plaint on the ground that the suit properties had already been partitioned on 09.04.2009, which fact was not disclosed in the plaint. Hence, according to them, there is no cause of action for the plaintiff to file the suit.

3. However, the Court below failed to properly appreciate even the averments made in the plaint and dismissed the application. Prima facie case is made out.

4. Admit. Issue notice to the respondent(s), returnable by 22.06.2026.

5. Private notice is permitted.

6. Post the case on 22.06.2026.

7. The impugned order passed in I.A. No. 1 of 2023 in O.S.No.16 of 2021 on the file of the III Additional Subordinate Court, Coimbatore, is stayed till then.

22-04-2026

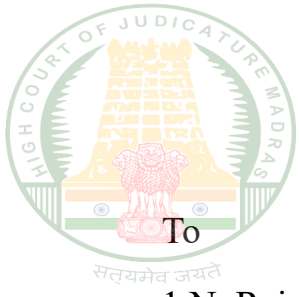
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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CRP No. 2231 of 2026



1.N. Rajasekar
S/o Nallathambi, D.No T-12,
Kovaipudur, Coimbatore 641042

2.N. Venkatesh
S/o. Nallathambi, D.No.T-12,
Kovaipudur, Coimbatore 641 042.

3.The III Additional Subordinate Judge,
Coimbatore.



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T.V.THAMILSELVI J.
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in CMP.No.9710 of 2026

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