



C.R.P.(MD) No.1176 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(MD) No.1176 of 2026

Mahalakshmi

... Petitioner

vs.

1.R.Govindaraj

2.Subbulakshmi @ Baby

3.Prabhakaran

4.Vengateshwaran

5.Rengarajan

6.Amsavalli

7.Jeyalakshmi

8.Kathiresan

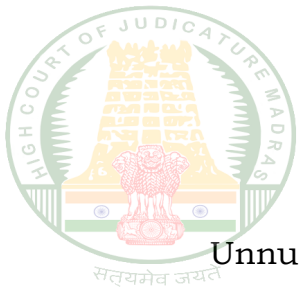
9.Danalakshmi

10.S.Ramalakshmi

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order of returning the plaint dated 23-02-2026 in

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Unnumbered O.S.No. _____ of 2026 on the file of Sub Court,
Uthamapalayam and to number the original suit by allowing the
revision petition.

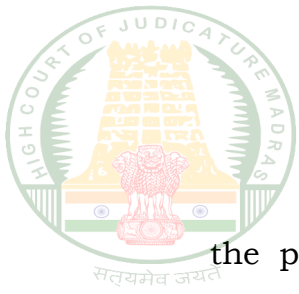
For Petitioner : Mr.Karthick Raja for
Mr.R.Suriya

ORDER

Heard Mr.Karthick Raja representing Mr.R.Suriya for the civil
revision petitioner.

2.The civil revision petitioner challenges the order of return
made by the learned Subordinate Judge at Uthamapalayam holding
that by virtue of Section 14(1) of the Hindu Succession Act, 1956, the
first item of the property in the suit belongs to the grandmother
absolutely and on her death, it devolves on the first defendant/the
father. Hence, the suit is not maintainable. On account of this
endorsement dated 23.02.2026, the partition suit has not been taken
on file.

3.The position of law has been clearly laid down by this Court in
Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited represented through its
Project Director, 2021 SCC Online Mad 2514. The Hon'ble Mr.Justice
N.Seshasayee has specifically held that, at the time of numbering of



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the plaintiff, it is not the duty of the Court to don the role of the defendant and raise issues which should be appropriately raised by filing a written statement and answered after framing appropriate issues.

4. Applying the said judgment, the Civil Revision Petition stands allowed. The return dated 23.02.2026 is set aside. There shall be a direction to the learned Subordinate Judge at Uthamapalayam, to number the plaintiff in O.S.No.un-numbered of 2026. No costs.

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

27.04.2026

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Note:

The original plaintiff shall be returned to Mr.R.Suriya, after making the usual endorsement.

To

The Subordinate Judge, Uthamapalayam.



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V. LAKSHMINARAYANAN, J.

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