



WEB COPY

CRP No. 1631 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 1631 of 2024

AND

CMP NO. 8679 OF 2024

1.Mathi,
W/o.Late K.S.Nanjan,
D.No.2/118, Kattabettu Village and Post,
Kotagiri Tk, The Nilgiris.

2.K.N.Ravi,
S/o.Late K.S.Nanjan,
D.No.2/117, Kattabettu Village and Post,
Kotagiri Tk, The Nilgiris.

3.Devagi. N,
D/o.late K.S.Nanjan, W/o.Chandran,
D.No1/341, Kenthorai Village and Post,
Udhagamandalam Tk, The Nilgiris.

4.Sumathi,
W/o.late K.N.Babu,
D.No.2/181-1, Kattabettu Village and Post,
Kotagiri Tk, The Nilgiris.

5.B.Harish,
S/o.late K.N.Babu,
D.No.2/181-1, Kattabettu Village and Post,
Kotagairi Tk, The Nilgiris.

6.B.Harini,
D/o.late K.N.Babu,
D.NO.2/181-1, Kattabettu Village and Post,
Kotagiri Tk, The Nilgiris.

Petitioner(s)

Vs



K.S.Bhojan (Deceased)

Michiammal (Deceased)

1.B.Gopal, S/o.late K.S.Bhojan,
D.No.2/90, Kattabettu Village and Post,
Kotagiri Tk, The Nilgiris.

2.Sarala,
D/o.late K.S.Bhojan, W/o.Sivan,
D.No.1/245A, Kenthorai Village and Post,
Udhagamandalam, The Nilgiris.

3.Lakshmi,
D/o.late Kari Gowder,
W/o.Bheeman,
D.No.1/316, Kenthorai Village and Post,
Udhagamandalam, The Nilgiris.

4.Sarasu,
D/o.late Kari Gowder, W/o.Naray,
D.No.5/121, Madithorai Village and
T.Mainalai Post, Udhagamandalam,
The Nilgiris.

5.Selvaraj,
S/o.Sellappa Gounder,
Manju Nivas Complex, Kattubettu Bazaar,
Kattabettu Post, Kotagiri Tk, The Nilgiris.

6.P.Rajendran,
S/o.Palaniyandi, Bakiya Nagra,
Kattabettu Post, Kotagiri Tk, The Nilgiris.

7.N.Chandran,
S/o.late Narayanan, Kattabettu Bazaar Post,
Kotagiri Tk, The Nilgiris.

8.V.Thiyagarajan,
S/o.Velayudam, Kattabettu Bazaar Post,
Kotagiri Tk, The Nilgiris.

K.K.Thippan (Deceased)
Rangan (Deceased)



9.Bellam
S/o.late S.Nanjan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

10.Arjunan,
S/o.late S.Nanjan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

K.B.Devaraj (Deceased)

11.Maivizhi,
W/o.Selvaraj,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

S.Sekar (Deceased)

Kathaija (Deceased)

12.Sakkammal,
W/o.C.Nanjan,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

13.V.Karrupusamy,
S/o.Velusamy,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

14.Gangammal
W/o.late K.B.Devaraj, Kattabettu Bazaar,
Kattabettu Post, Kotagiri Tk, The Nilgiris.

15.Malliga,
D/o.K.B.Devaraj, W/o.Billeraj,
Billicombai Village and Post,
Udhagamandalam Tk, The Nilgiris.

16.D.Balamurugan,
S/o.late K.B.Devaraj,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.



17.D.Sivashanmugam,
S/o.late K.B.Devaraj,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

18.D.Venkatasubramani,
S/o.late K.B.Devaraj,
Kattabettu Bazaar, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

19.Rukku,
W/o.late Rangan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

20.Prema,
D/o.late Rangan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

21.Anitha,
D/o.late Rangan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

22.Vanitha,
D/o.late Rangan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

23.Nagaraj,
S/o.late Rangan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

24.M.Manogaran,
S/o.Manickam,
D.No.1/8, Bakiya Nagar, Kattabettu Post,
Kagguchi Panchayat, Kotagiri Tk,
The Nilgiris.

25.M.Shanthi,
W/o.M.Manogaran, D.NO.1/8, Bakiya
Nagar, Kattabettu Post, Kagguchi
Panchayat, Kotagiri Tk, The Nilgiris.



26.S.Kumar,
S/o.K.Shanmugam,
D.No.1/74A, Kattabettu Bazaar,
Kattabettu Post, Kotagiri Tk, The Nilgiris.

27.Seethalakshmi,
W/o.late S.Sekar,
D.No.1/75A Kattabettu Bazaar,
Kattabettu Post, Kotagiri Tk, The Nilgiris.

28.Sathyabama,
D/o.late S.Sekar,
Kattabettu Town, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

29.Manimegala,
D/o.Late S.Sekar,
Kattabettu Town, Kattabettu Post,
Kotagiri Tk, The Nilgiris.

30.D.Shanmugham,
S/o.late S.Devan,
Honnathalai Village, Billicombai Post,
Udhagamandalam Tk, The Nilgiris.

31.D.Lakshmi,
D/o.late S.Devan,
W/o.late Mahalingam, Elithorai Village,
Yedappalli Post, Coonoor Tk, The Nilgiris.

Respondent(s)

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 22.02.2024 (impugned order) made in IA.No.21/2024 in OS.No.11/2020, on the file of the Learned Subordinate Court at Coonoor.



For Petitioner(s): M/s.R.Gouri

For Respondent(s): M/s.N.S.Nageshwaran
For R6, R7, R24 & R26

No appearance
for R1, R2, R4, R5, R8 to R10,
R12 to R14, R16, R17, R19 to
R23, R25, R27, R29, R30 & R31

ORDER

This Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking their impleadment.

2.Respondents 1 to 4 filed a suit for declaration of title and possession against the other respondents.

3.Even in the plaint averments it was stated by the respondents 1 to 4/plaintiffs that they were entitled to suit property along with one Nanjan who is the predecessor in the interest of the petitioner. The contesting defendants filed the written statement and opposed the suit prayer on the ground of non-joinder of necessary party namely Nanjan.



4. In such consideration, the petitioners, who are the legal heirs of Nanjan filed application seeking their impleadment on the ground that they are all co-owners of the suit property. The said application was dismissed by the trial Court on the ground that the same was filed belatedly. Aggrieved by the same, the petitioners have come before this Court.

5. A perusal of the averments in the plaint and the written statement clearly indicates that the plaintiffs made a specific plea that the suit property belongs to them and also Nanjan. The defendants in their written statement have also raised a plea of non-joinder of necessary party namely Nanjan. Therefore, if the suit is allowed to proceed without impleading the legal heirs of Nanjan, there is a possibility for dismissal of suit on the technical ground of non-joinder of necessary party. The impleading petitioners are entitled to file a separate comprehensive suit against the defendants. Therefore, in order to prevent the multiplicity of the proceedings, the impleading petition filed by the petitioners need to be allowed. The trial Court has dismissed the impleading application on the ground that there was a long delay in filing the same. The procedural law is the handmaid of justice. Therefore, the impugned order passed by the trial Court is liable to be set aside. Accordingly, this Civil Revision Petition stands allowed by setting aside the order impugned in this revision petition.



6. Taking into consideration that the suit was originally filed in the year 2012 in O.S.No.67 of 2012 on the file of the The Nilgiris at Udhagamandalam and transferred to the Subordinate Court, Coonoor and re-numbered as O.S.No.11 of 2020, this Court directs the trial Court to dispose of the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

11-12-2025

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To:-

The Sub-Judge,
Coonoor.



WEB COPY

CRP No. 1631 of 2024





WEB COPY

CRP No. 1631 of 2024



S.SOUNTHAR J.
rst

CRP No. 1631 of 2024
AND CMP No. 8679 OF 2024

11-12-2025