



C.R.P. No. 1043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.07.2026

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. No. 1043 of 2024

&

C.M.P. No. 5430 of 2024

1. Malathi
2. M. Saradha
3. Rameshkumar @ Suresh

..Petitioners

Vs.

1. Shanthi
2. Inbavalli
3. Marappan
4. Sadayan
5. Palanisamy

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and final order dated 10.08.2023 passed in I.A. No. 1 of 2022 in O.S. No. 221 of 2016 by the learned District Munsif, Omalur.

For Petitioners :: Mr.B. Vijayakumar



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For Respondents :: Mr.K.B. Shrinivaas for
Mr.T.M. Naveen for R1

ORDER

This civil revision petition has been filed challenging the impugned order dated 10.08.2023 passed in I.A. No. 1 of 2022 in O.S. No. 221 of 2016 by the learned District Munsif, Omalur.

2. By the aforesaid order, the application filed by the 1st petitioner to implead herself as the 3rd plaintiff to the suit in O.S. No. 221 of 2016 has been dismissed.

3. The 1st petitioner claims that there was a dispute with regard to the boundaries of the suit property between petitioners 2 and 3 herein and the respondents and therefore, petitioners 2 and 3 herein/plaintiffs 1 and 2 filed the suit in O.S. No. 221 of 2016 seeking permanent injunction as against the respondents. Petitioners 2 and 3 are respectively the mother-in-law and the husband of the 1st petitioner. According to the 1st petitioner, pending the suit, the 2nd petitioner had executed a settlement deed in favour of the 3rd petitioner on 31.01.2019 and subsequently, the 3rd petitioner had executed a settlement deed in favour of the 1st petitioner on 29.01.2021 in respect of the suit schedule property. Since the suit property has been settled



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in her favour by the 3rd petitioner/ her husband, the 1st petitioner claims that she has become the absolute owner of the suit property and only under those circumstances, the 1st petitioner claims that she was constrained to file I.A. No. 1 of 2022 seeking to implead herself as the 3rd plaintiff to the suit in O.S. No. 221 of 2016 on the file of District Munsif, Omalur. However, the Trial Court, by the impugned order, has rejected the application filed by the 1st petitioner. Aggrieved by the same, this civil revision petition has been filed.

4. Admittedly, the suit was filed by petitioners 2 and 3 as against the respondents herein/defendants in the year 2016 itself. There seems to be a boundary dispute between the plaintiffs/petitioners 2 and 3 herein and the defendants/respondents. The suit was filed for permanent injunction to restrain the defendants/respondents from interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiffs/petitioners 2 and 3 herein. But, only in the year 2022, the 1st petitioner filed I.A. No. 1 of 2022 seeking to implead herself as a 3rd plaintiff to the suit in O.S. No. 221 of 2016 due to reasons stated supra. The Trial Court, under the impugned order, has rightly dismissed the application filed by the 1st petitioner on the ground that there is no cause of action for the 1st



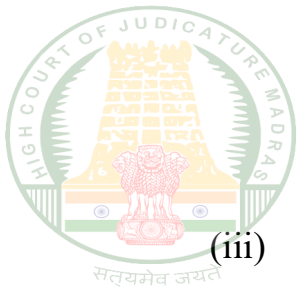
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petitioner to implead herself as the 3rd plaintiff to the suit in O.S. No. 221 of 2016 on the file of District Munsif, Omalur.

5. This Court is of the considered view that there is no infirmity in the order passed by the trial Court dismissing the application filed by the 1st petitioner for the following reasons:

(i) If the 1st petitioner has any dispute with regard to any of the parties to the suit with regard to the boundaries of the suit schedule property, she will have to agitate her rights independently by separate legal proceedings and she cannot intervene in a suit filed by petitioners 2 and 3 and the respondents in respect of a different cause of action.

(ii) The suit is of the year 2016. The application of the 1st petitioner to implead herself as the 3rd plaintiff to the suit was filed in the year 2022 when the suit was at the part-heard stage. If the 1st petitioner is allowed to implead herself as the 3rd plaintiff to the suit, which is at the part-heard stage, the rights of the defendants in the suit in O.S. No. 221 of 2016 would get defeated and their right for early disposal of the suit would also get affected.



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(iii) The petitioner is having the benefit of interim stay in this civil revision petition from the year 2024 onwards. In view of the interim stay granted, the progress in the suit has been stalled. Therefore, the interim stay granted by this Court has to be immediately vacated due to the reasons stated supra.

6. This Court does not find any merit in the civil revision petition and the Trial Court has rightly rejected the 1st petitioner's application seeking to implead herself as the 3rd plaintiff to the suit.

7. In the result, the civil revision petition is dismissed. No costs. Connected C.M.P. is closed.

10.07.2026

nv

To

The District Munsif, Omalur



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ABDUL QUDDHOSE,J.

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