

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:14.07.2026

Pronounced on:31.07.2026

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CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI**CRP No.1015 of 2026 and
CMP. No.5448 of 2026**1.Nagarajan
2.Selvaraj

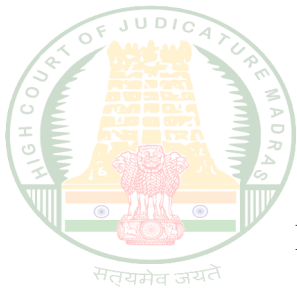
..Petitioner(s)

Vs

P.S.Natarajan (Died)
1.Susheela
2.N.Sundarambal
3.Ponnusamy
4.Chitra
Sennimalai Gounder (Died)
5.Govindasamy
6.Easwaramoorthi
7.Soundari
8.Ponmanilatha
9.Deepa
Rayappa Gounder (Died)
10.Rayathal
11.Subramaniam
12.Kulandaiammal
13.Natarajan
14.Sakunthala

..Respondent(s)

PRAYER: This Civil Revision Petition has been filed under Section 115 of the Civil Procedure Code, 1908, to set aside the impugned fair and final orders dated 05.02.2026 made in I.A. No.01 of 2024 in I.A. No.293 of 2020 in O.S. No.165 of 1991 on the file of the learned Subordinate Court, Palladam.



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CRP No.1015 of 2



For Petitioner(s):

Mr.P.Valliappan,
Senior Counsel for
Mr.N.S.Suganthan

For Respondent(s):

Mr.S.Mukunth,
Senior Counsel for
Mr.T.Balaji for R1

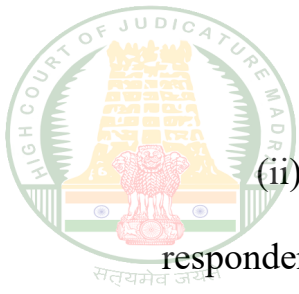
ORDER

The revision petitioners, aggrieved by the order in I.A. No.1 of 2024, permitting impleadment of the revision petitioners as parties in I.A. No.293 of 2020 in O.S.No.165 of 1991 have come up by way of this revision petition.

2. I have heard Mr.P.Valliappan, learned Senior Counsel for Mr.N.S.Suganthan, learned counsel for the revision petitioners and Mr.S.Mukunth, learned Senior Counsel for Mr.T.Balaji, learned counsel for the first respondent.

3. The submission of Mr.P.Valliappan, learned Senior Counsel summarised as hereunder:

(i) In a suit for partition, the preliminary decree came to be passed on 11.01.1994, declaring respective shares of the parties. However, a compromise was reached amongst the parties and the same was recorded and a final decree came to be passed on 26.10.1994 in I.A. No.1445 of 1994. The first respondent herein was allotted the entire C schedule property measuring an extent of above 5 acres comprises in S.No.461/2, in Poomalur Village.



(ii) The said compromise decree has been acted upon and the first respondent has taken possession of the properties allotted under the said final decree and has been in enjoyment of the same, without any protest or demur that some other property allotted to the first respondent has been left out or that possession of other properties to which first respondent is entitled to have not been handed over to the first respondent.

(iii) The lands in Survey Nos.463/1 and 463/4, have been lawfully purchased for valuable sale consideration, from Chennimalai Gounder and his legal heirs and the petitioners are now absolutely owning the said lands, having purchased it way back in the year 1995, under registered sale deeds.

(iv) The first respondent has even suppressed filing of the suit in O.S. No.299 of 2011, which came to be dismissed on 11.12.2017, and the First Appeal therefrom in A.S. No.18 of 2018, also been dismissed on 25.09.2018. According to the learned Senior Counsel, the said suit was filed for permanent injunction claiming right over Survey Nos.463/1 and 463/4 and the Courts have concurrently held that the first respondent has no right in the said items of the property. He therefore states that even on the ground of material suppression, the first respondent was not entitled to maintain the application in I.A. No.293 of 2020 seeking a supplementary final decree to be passed, pursuant to the preliminary decree that was originally passed on 11.01.1994.

(v) The concept of passing a supplementary final decree is totally alien to civil law and though any number of preliminary decrees can be passed, only one



final decree can be passed and therefore, the very application filed in I.A. No.293 of 2020 was not maintainable. He would further state that when such was the case, in the said application to pass a supplementary final decree, the first respondent cannot seek impleadment of the petitioners which has been done by filing I.A. No.1 of 2024.

(vi) The petitioners cannot be made to run to pillar to post and face vexatious and frivolous litigation filed by the first respondent and admittedly, the lands in Survey Nos.463/1 and 463/4 were never allotted to first respondent under the final decree.

4. In support of his contentions, the learned Senior Counsel has also relied on the order of this Court in *Aburvakounder (Died) and others Vs. Balamurugan and another*, reported in 2025 (1) CTC 216.

5. Per contra, Mr.S.Mukunth, learned Senior Counsel appearing for the first respondent would contend that no prejudice has been caused to the petitioners by merely impleading the petitioners in the application to pass a supplementary final decree and all objections can always be taken by the petitioners in the said I.A. No.293 of 2020. The learned Senior Counsel would further submit that the Trial Court has rightly ordered impleadment as even according to the petitioners, their valuable rights in the property are involved in I.A. No.293 of 2020 and therefore, it would be appropriate for the application to be decided in their presence. The learned Senior Counsel would therefore pray for the dismissal of the revision petition.



6. I have carefully considered the submissions advanced by the learned senior Counsel on either side.

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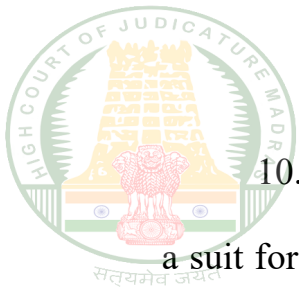
7. It is not in dispute that originally O.S. No. 165 of 1991 was filed for partition before the Sub Judge, Tiruppur and in the said suit, a preliminary decree came to be passed on 11.09.2024. The first respondent was no doubt allotted a 1/4th share in Survey Nos.463/1 and 463/4. However, pursuant to the preliminary decree, it was the first respondent who initiated final decree proceedings in I.A. No.1445 of 1994 and pending the final decree proceedings, the parties arrived at a compromise, in and by which, the first respondent was allotted entire 'C' schedule property alone. Admittedly, the properties in Survey Nos.463/1 and 463/4, were never allotted to the first respondent under the compromise and subsequently a final decree was passed based on said compromise arrived at between the parties. The final decree proceedings attained finality even on 26.10.1994 and parties have taken possession of their respective entitlement as per the said final decree. After a lapse of 26 years, the first respondent has moved an application in I.A. No.293 of 2020, seeking a supplementary final decree to be passed, contending that though she was entitled to 1/4th share in S.No.463/1 and 463/4, inadvertently under the final decree dated 26.10.1994, the same has not been allotted to the first respondent.

8. As rightly contended by the learned Senior Counsel, Mr.P.Valliappan, even though the petitioners may have been allotted a specific or definite share in S.Nos.463/1 and 463/4, in the preliminary decree, the shares allotted in the



preliminary decree are always subject to the adjustments or allotments that may be made in the final decree proceedings. Here, the parties admittedly reached a settlement and under the compromise, the first respondent, who in fact, took out the final decree application agreed for taking Schedule 'C' properties, measuring 5 acres comprised in S.No.461/2, Poomalur Village towards her share. The said final decree, as already stated, was based on a compromise and the first respondent took the properties allotted to her in the final decree with open eyes. The first respondent never brought up the issue of no share being allotted in S.Nos.463/1 and 463/4 and having allowed the final decree to be passed and having become final and also acted upon, the first respondent could not have taken out any further application, that too, belatedly after a lapse of 26 years, claiming that first respondent's share in S.No.463/1 and 463/4 have been inadvertently left out and therefore, a supplementary final decree should be passed.

9. This Court in *Aburvakounder's* case (referred herein supra), has held that after the final decree has been drawn up, signed and engrossed in Stamp Paper of requisite value, the suit stands terminated and after passing of the final decree, it is not open to any party to apply to the Court to vary, modify or allot share on account of even change in law. The ratio laid down in the said decision would squarely apply to the facts of the present case.



10. There is no bar for any number of preliminary decrees to be passed in a suit for partition. A preliminary decree only declares the rights and shares of the parties to the *lis* and the actual division and allotment of specific portions is only in the final decree proceedings, which alone is capable of execution. A preliminary decree is merely declaratory in nature. It is not the case of the first respondent that the final decree was not passed. Having bargained for specific items of the property and entered into a compromise which culminated in a final decree being passed even in the year 1994, it is not open to the first respondent to knock at the doors of the Court once again, claiming that he was entitled to a share in S.Nos.463/1 and 463/4 in the preliminary decree and therefore, a supplementary final decree should be passed. The preliminary decree passed in the instant case stood merged with the final decree based on compromise, where admittedly, the first respondent has not been allotted any share or extent in S.Nos.463/1 and 463/4. In such view of the matter, the very application for passing of a supplementary final decree, as rightly contended by Mr.P.Valliappan, learned Senior Counsel, is unknown to law and practice and the Application itself was clearly not maintainable.

11. Further, the first respondent has also suppressed the material fact of having filed a suit in O.S. No.299 of 2011, where the first respondent sought for a relief of injunction claiming right in respect of very same Survey Nos.463/1 and 463/4. The suit was dismissed after elaborate trial and contest on



11.12.2017 and the dismissal of the suit was confirmed in A.S.No.18 of 2018, with the dismissal of the said First Appeal on 25.09.2018. The Trial Court and the First Appellate Court have gone into the aspect of entitlement of the first respondent to any right in S.No.461/1 and 461/4. In such view of the matter, without even whispering about the filing of O.S. No.299 of 2011, the petitioners' application in I.A. No.293/2020 was clearly a mischievous attempt to seek for additional share/property to which the first respondent was not entitled to. Even on this ground, the first respondent is not entitled to any relief in I.A.No.293 of 2020.

12. No doubt, the Trial Court has allowed the Application in I.A.No.1 of 2024 under Order I, Rule 10(2) CPC, impleading the revision petitioners in I.A. No.293 of 2020. The petitioners have admittedly purchased lands in S.Nos.463/1 and 463/4, tracing title to the lawful owners viz., Chennimalai Gounder and his legal heirs, who had originally conveyed portions of the said Survey Numbers, even as early as 1995 and the said lands have subsequently changed hands and presently vested with the revision petitioners. Even though, the arguments of the learned Senior Counsel, Mr.S.Mukunth, that no prejudice would be caused to the petitioner and that they can putforth all their objections in I.A. No.293 of 2020, appears to be attractive at first blush, I am unable to countenance the said argument for the simple reason that the petitioners have already been forced to litigate in respect of the same property in O.S. No.299 of



2011, which proceedings attained finality only in 2018. Once again, the first respondent has attempted to stake a claim in the very same Survey Numbers, without even a prima facie entitlement of any iota of right in the said S.Nos.463/1 and 463/4 and merely basing her claim on the preliminary decree passed originally on 11.01.1994. In all fairness, even when I.A. No.293 of 2020 had been filed, the first respondent ought to have impleaded the petitioners, which again, only exposes the lack of good faith. Malafides are writ large on the actions of the first respondent. Having found that there is no avenue for passing any supplementary final decree, there is no purpose in allowing the impleadment application in I.A. No.1 of 2024 under Order I, Rule 10(2) CPC. This Court exercising powers under Article 227 of the Constitution of India cannot shut its eyes to cases of grave injustice to bonafide parties and when it has been brought to the notice of this Court and also for the various reasons elaborated hereinabove, that the very application for passing a supplementary final decree in I.A. No.293 of 2020, being not maintainable, I am certainly justifying in invoking the extraordinary powers under Article 227 of the Constitution of India to strike of I.A. No.293 of 2020 to avoid further wasting of judicious time of the Trial Court, on a matter that has already attained finality even on 26.10.1994.



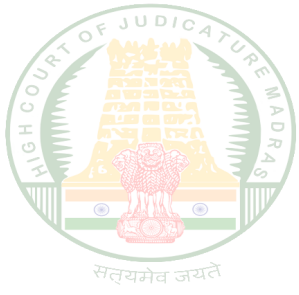
13. For all the above reasons, this Civil Revision Petition is **allowed**.

Order in I.A. No.01 of 2024 in I.A. No.293 of 2020 in O.S. No.165 of 1991 dated 05.02.2026, is set aside and I.A. No.293 of 2020 for passing a supplementary final decree is also struck off on file. No costs. Consequently, connected Miscellaneous Petition is closed.

31-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes
RKP

To
1.The Sub Judge, Palladam.



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CRP No.1015 of 2



P.B.BALAJI, J.

RKP

Pre-delivery Order in
**CRP No.1015 of 2026 and
CMP. No.5448 of 2026**

31-07-2026