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C.R.P.No.2461 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.2461 of 2022
and C.M.P.No.12707 of 2022

Nethaji Subash Chandra Bose

... Petitioner

Vs.

1. Subramani
2. Vanamayil
3. Vasanthammal
4. Manogaran
5. Mani
6. Rajendiran
7. Ravi
8. Thiruvengadam
9. Dhanalakshmi
10. Pavithra (Minor)
11. Preethi (minor)
12. Pravina (Minor)
13. Maheswari (minor)
- (Minors represented by their mother and
their natural guardian R9 Dhanalakshmi)
14. Saroja
15. Vasantha
16. Selvam
17. Thangaraji



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18.Usha

19.Asha

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.07.2022 in I.A.No.972 of 2018 in O.S.No.170 of 2008 on the file of the Additional Subordinate Court,Vellore.

For Petitioner : Mr.S.Gunaseelan

For Respondents : Mr.T.Saravanan for R1
Mrs.K.Aswini Devi R2 to R8

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the fair and decreetal order dated 08.07.2022 passed by the learned Additional Subordinate Judge,Vellore, in I.A.No.972 of 2018 in O.S.No.170 of 2008, wherein the Court below dismissed the application filed by the petitioner under Order I Rule 10(2) of the Code of Civil Procedure to implead himself as the proposed 20th defendant in the suit.

2. This Court heard the learned counsel appearing on either side, carefully went through the materials placed before this Court and perused the order passed by the Court below.



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3. A suit for partition is pending in O.S.No.170 of 2008 before the Additional Subordinate Court, Vellore. The petitioner filed I.A.No.972 of 2018 to implead himself as the proposed 20th defendant in the suit. This application was filed based on a will that is said to have been executed by Muniyammal in favour of the petitioner by bequeathing her undivided 1/7th share in the property. Therefore, according to the petitioner, he is a necessary party in the proceedings.

4. The Court below, on consideration of the claim made by the petitioner and the defence taken by the respondents, came to the conclusion that the petitioner has not made out a case for impleading himself as a party to the proceedings and accordingly, dismissed the application. Aggrieved by the same, the present civil revision petition has been filed before this Court.

5. The main ground urged by the learned counsel for the petitioner is that Muniyammal had 1/7th share in the property, the will was executed in favour of the petitioner on 12.03.2009 and Muniyammal passed away on 23.05.2012. Consequently, the petitioner got the right under the will and wanted to contest the suit that was filed for partition and is seeking 1/7th share in the property.



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6. The Court below, while dealing with this issue, came to the conclusion that the said Muniyammal herself had never claimed any share in the property, even in the previous proceedings pertaining to the same suit properties in O.S.No.86 of 1974. All of a sudden, the petitioner gets into the scene in the year 2018, only on the ground that the said Muniyammal had executed a will in his favour. The petitioner has merely got into the shoes of Muniyammal. If Muniyammal herself had not claimed any share in the suit properties, the petitioner, based only on the will, cannot seek to implead himself as a party to the proceedings.

7. In the considered view of this Court, the petitioner is neither a necessary party nor a proper party to the suit. This Court does not find any perversity in the order passed by the Court below warranting the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.08.2026

Neutral Citation: Yes/No
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To

The Additional Subordinate Judge,
Additional Subordinate Court,
Vellore,



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N. ANAND VENKATESH, J.

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