



WEB COPY

CRP No. 3847 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3847 of 2026

C.Sivakumar

..Petitioner(s)

Vs

1. A.Palanisamy

N.Subramanian (Died)

2. S.Padhmanabhan

3. S.Jayammal

4. J.Latha

M.Chinnasamy (Died)

5. C.Rajeswari

6. M.Arumugam,

7. A.Nandagopal

..Respondent(s)

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decretal order dated 12.03.2026 made in IA No. 20 of 2025 in OS No. 422 of 2017 on the file of the Ld. II nd Additional Sub Court, Erode.

For Petitioner(s):

Mr.R.T.Vishnu

For Respondent(s):



ORDER

This Civil Revision Petition (CRP) has been filed challenging the impugned order passed by the II Additional Sub-Court, Erode, in I.A.No.20 of 2025 in O.S.No.422 of 2017, dated 12.03.2026. In the aforesaid order, the application filed by the petitioner, who is the third defendant in the suit, seeking to implead the respondents 6 and 7/respondents 8 and 9, as party defendants in the suit, has been dismissed by holding that the proposed parties are not necessary parties for the adjudication of the suit in O.S.No.422 of 2017.

2. Admittedly, the petitioner is the third defendant in the suit. The suit has been filed by the respondents 1 to 4/plaintiffs seeking for declaration and permanent injunction. There seems to be a boundary dispute between the parties. The initial burden to prove the same is on the plaintiffs, who have filed the suit. The trial Court has also rightly given credence to the status of *dominus litis* while dismissing the petitioner's application seeking to implead the respondents 6 and 7/respondents 8 and 9 as party defendants in the suit.

3. The learned counsel for the petitioner during the course of his submissions relied upon a judgment and decree dated 21.06.2012 passed in O.S.Nos.601 and 628 of 2009 pertaining to the dispute between the plaintiffs and the proposed parties, who were sought to be impleaded in I.A.No.20 of 2025. He would submit that since the proposed parties were not impleaded as



party defendants by the plaintiffs in the suit, there became a necessity for the petitioner/3rd defendant to file impleading application to implead the proposed parties as party defendants in the suit. He would submit that the trial Court did not take note of the said fact while dismissing the application filed by the petitioner in I.A.No.20 of 2025.

4. It is also to be noted by this Court that earlier, the very same petitioner had filed an application seeking for rejection of plaint under Order VII Rule 11 CPC and the same was also dismissed by the trial Court on 05.08.2025. Only thereafter, the petitioner has come forward with this application (IA.No.20 of 2025) seeking to implead the proposed parties as party defendants in the suit. The suit is of the year 2017. If the application filed by the petitioner is entertained at this belated state, when the trial has already commenced, the disposal of the suit will get delayed, which will not be in the interest of the parties to the dispute. The trial Court while dismissing the application filed by the petitioner in I.A.No.20 of 2025 has given proper reasons for dismissing the said application.

For the foregoing reasons, this Court is not interfering with the impugned order as there is no merit in this petition. Accordingly, this Civil Revision Petition is dismissed. No Costs. CMP.No.16810 of 2026 is closed.

15-07-2026

Neutral Citation: Yes/No
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ABDUL QUDDHOSE, J.

RKM

To
II Additional Sub-Court,
Erode.

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