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CRP No. 3970 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3970 of 2026

Angathal

..Petitioner(s)

Vs

1. A.Ramasamy

2. A.Muthusamy

..Respondent(s)

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the order dt. 15.04.2026 made in Unnumbered IA (C.F.No. 182 of 2026) in OS No. 263 of 2021 on the file of I Additional District and Sessions Judge, Tiruppur.

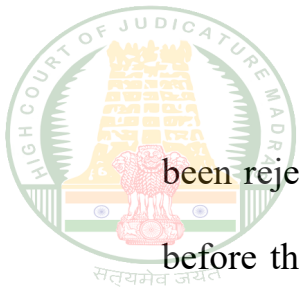
For Petitioner(s): Mr.V.Anandhamoorthy

For Respondent(s):

ORDER

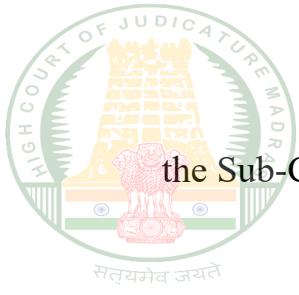
This Civil Revision Petition (CRP) has been filed challenging the impugned order passed by the I Additional District and Sessions Judge, Tiruppur, in IA (C.F.No. 182 of 2026) in OS No. 263 of 2021, dated 15.04.2026.

2. In the aforesaid order, the application filed by the petitioner under Order 1 Rule 10(2) CPC to implead her as the party defendant in the suit has



been rejected on the ground that the suit in O.S.No.263 of 2021 is not pending before the I Additional District and Sessions Court, Tiruppur. The trial Court under the impugned order has observed that the plaintiff in the said suit has not taken any steps to proceed with the suit. The trial Court has also observed that on the date of setting aside of the Lok Adalat award as per the order passed in I.A.No.2 of 2023, dated 25.11.2024, it was held that the suit itself is a fraudulent and collusive suit between the respondents, and thus it is implied that the plaint itself has been rejected. The trial Court has also protected the interest of the petitioner by stating that she could have proceeded with the partition suit, which is stated to be pending in O.S.No.534 of 2016 on the file of Sub-Court, Avinashi, as per the affidavit of the petitioner in I.A.No.2 of 2023, in which, the petitioner and the respondents in the said application are stated to be parties, or in the alternative, the petitioner would file a fresh suit for partition by impleading all the necessary parties.

3. When the suit in OS..No.263 of 2021 is not pending before the I Additional District and Sessions Judge, Tiruppur, the trial Court has rightly rejected the petitioner's application seeking to implead her as party defendant in O.S.No.263 of 2021. This Court does not find any infirmity in the impugned order. However, as observed by the trial Court, liberty can be granted to the petitioner to seek redressal of her grievance either by filing a fresh suit for partition or by seeking reliefs in the pending suit in O.S.No.534 of 2016 before



the Sub-Court, Avinashi.

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4. For the foregoing reasons, this Court is not interfering with the impugned order, but, liberty is granted to the petitioner to file a fresh suit for partition against the necessary parties, and if she so chooses, she can also seek relief in the pending suit in OS..No.534 of 2016 before the Sub-Court, Avinashi, by filing a proper application. In the result, this Civil Revision Petition is disposed of. No Costs. CMP.No.17378 of 2026 is closed.

21-07-2026

Neutral Citation: Yes/No
RKM

To
I Additional District and Sessions Judge,
Tiruppur.



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ABDUL QUDDHOSE, J.

RKM

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