



CRP(MD). No.821 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.08.2026

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

**CRP(MD). No.821 of 2026
and
C.M.P.(MD).No.3808 of 2026**

1. M. Muniyammal

2. M.Mathankumar

... Petitioners

Vs

1. Ambigaiyammal

2. Vasuki

3. Parimala

4. Krishnaveni

5. Chitra

6. Sumathi

7. Ravi

8. Thilagavathi

... Respondents



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PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to pass an order setting aside the fair and executable order dated 09/01/2026 passed in the application in I.A. No. 3 of 2025 in I.A. No. 1 of 2025 in O.S. No. 73 of 2011 on the file of the Subordinate Court, Paramakudi and allow the same and pass such other further orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr. T.Shivashree
for
Mr.J.Barathan

For Respondents : Mr.C.Krishna Kumar
For R3 to R6
: No appearance – R1, R2, R7 & R8

ORDER

The Civil Revision Petition has been filed challenging the order passed by the trial court dismissing the petitioners' application for impleadment.

2. The respondents 1 to 6 filed a suit for partition of their 6/7th share against the 7th respondent. The said suit was decreed. Thereafter, the respondents 1 to 6 filed a final decree application in I.A.No.1 of



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2025. Pending final decree application, the petitioners filed the instant impleading application and the same was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

3. The learned Counsel appearing for the petitioners would submit that the first petitioner's husband and second petitioner's father namely Manickam purchased portion of the suit property from 7th respondent on 15.02.2006, well prior to filing of the suit by the respondents 1 to 6 and hence the petitioners are necessary parties in the final decree proceedings.

4. It is also submitted by the learned Counsel appearing for the petitioners that if the petitioners are made as party in the final decree proceedings as a prior purchaser, they are entitled to workout their equity.

5. The learned Counsel appearing for the contesting respondents 3 to 6 would submit that the above mentioned Manickam is none other than father-in-law of the 7th respondent and therefore he is not a bonafide



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purchaser of the property. According to him, the trial Court rightly observed that he was not a bonafide purchaser and hence, not entitled to get himself impleaded in the present suit proceedings.

6. The above mentioned Manickam is not a purchaser pending the suit. He purchased the portion of the suit property even prior to the filing of the suit. As a prior purchaser, he is a necessary party to the partition suit and he is entitled to workout equity in the final decree proceedings for that limited purpose, the legal heirs of Manickam namely the petitioners can be impleaded in the suit. If the petitioners are not impleaded in the final decree proceedings and final decree is passed, there may be difficulty at the time of execution of the decree, in case any execution proceedings is filed for taking possession of the property allotted to respective parties. Therefore, in order to adjudicate all the dispute comprehensively, I feel impleading of petitioners are absolutely necessary. Hence, the impugned order passed by the trial Court is set aside.



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7. Accordingly, this Civil Revision petition stands allowed. The petitioners are ordered to be impleaded as party respondents in I.A. 1 of 2025 in O.S.No.73 of 2011. Both the parties are at liberty to argue before the trial court with regard to their respective equities and the trial Court shall take a decision on its own merits, without being influenced by anything said in this order. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
Internet :Yes / No
gyn

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To:

The Subordinate Court, Paramakudi



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S.SOUNTHAR, J.

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