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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1739 of 2026
and C.M.P(MD).No.8348 of 2026**

P.Sumathi

... Petitioner

Vs

1.P.Vijayalakshmi
2.P.Gnanasekaran
3.P.Sethuramachandran
4.P.Mohana
5.P.Kumaravel
6.P.Revathy
7.P.Murugan
8.P.Saravanan

... Respondents

(Notice R1 to R4 may be given up as against R1 to R4)

Prayer: Petition is filed under Article 227 of the Constitution of India, to allow the civil revision petition by passing orders to set aside the order passed by the learned I Additional District Judge, Madurai, in I.A.No.1 of 2024 in O.S.No.148 of 2017 on 04.06.2026.

For Petitioner : Mr.M.S.Senthil Kumar
for M/s.Sree Kaamaakshi Law Associate

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 5 to 8 seeking



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their impleadment in the suit. The petitioner herein filed a suit for partition against her siblings, namely, respondents 1 to 4. It is the case of the petitioner that the suit property belonged to mother of the petitioner and respondents 1 to 4, namely, Azhagiya Meenal and after her death, the petitioner is entitled to 1/5th share.

2.The respondents 5 to 8 filed impleading application on the ground that they are all children of second wife of petitioner's father, Pandian Pillai. According to them, Pandian Pillai out of his own earning, purchased the suit properties in the name of Azhagiya Meenal. Therefore, the properties shall be treated as the properties of Pandian Pillai and hence, being children of second wife of Pandian Pillai, the respondents 5 to 8 were also entitled to the suit properties. The Trial Court allowed the impleading application filed by the respondents 5 to 8. Aggrieved by the same, the present revision has been filed by the petitioner.

3.The learned counsel appearing for the petitioner would submit that the respondents 5 to 8 have not even produced any document to establish their relationship with the family of the petitioner and in the absence of any evidence to establish that the proposed parties were born to the father of the



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petitioner through his alleged second wife, the Trial Court ought not to have ordered the impleading application.

4.The proposed parties sought for their impleadment on the ground that they were born to the second wife of petitioner's father, who purchased the property in the name of his first wife out of his own earnings. Whether the proposed parties were born to the alleged second wife of petitioner's father, whether the petitioner's father purchased the property in the name of the petitioner's mother, are all disputed questions of fact, which can be decided only based on evidence to be let in by the parties. At the time of impleading application, the proposed parties cannot be compelled to lead evidence to establish their case. In the light of the averment made by the proposed parties, in order to prevent multiplicity of proceedings and determination of all the controversies between the parties in a more comprehensive way, the Trial Court has rightly ordered the impleading application. I do not find any error in the impugned order.

5.However, it is made clear that mere impleadment of proposed parties in the suit will not give any right to them in the suit properties. It is for them to establish their alleged legal status as they are the children of Pandian Pillai



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and also their averment in the impleading application that Pandian Pillai purchased the property in the name of his first wife, Azhagiya Meenal.

6. With the above clarification, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

07.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

To

1. I Additional District Judge, Madurai.
2. The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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