

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2850 of 2016
and CMP No.14476 of 2016

1. A.Bagyam
2. N.Santhamani

...Petitioners

Vs.

1. P.Nagaraj
2. Rukmani
3. Thulasimani
4. Palaniammal
5. P.Subramaniam
6. P.Thangaraj
7. Vasanthammal
8. Kavitha
9. Neelavathi
10. S.Selvaraj

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 08.02.2016 in I.A.No.667 of 2014 in O.S.No.174 of 2011 on the file of the IV Additional District Court at Coimbatore.

For Petitioners : Mr.M.Rajesh

For Respondents : Mr.S.Mukunth for Sarvabhauman
Associates

ORDER

The petitioners filed an application in the pending suit in O.S.No.174 of 2011 to implead them as parties. The application was dismissed by the trial Court. Being aggrieved, the petitioners are before this Court with this Civil Revision Petition.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.The factual matrix indicates that the respondents filed the suit for partition contending that Arumuganadar who is none other than the brother of Pachamuthu Nadar died issue less and as such, the remaining relatives are entitled to inherit him.

4.The petitioners have come up with a contention that the first petitioner is the wife and the second petitioner is the daughter of deceased Arumuga Nadar. The application submitted by the petitioner seeking impleading was opposed by the respondents on the ground that they have not proved the paternity. There is no question of proving the relationship even before impleading.

5.The petitioners herein produced materials before the trial Court to demonstrate that they are also necessary parties for deciding the matter. The trial Court erred in dismissing the application.

6.In the result, the order dated 08.02.2016 in I.A.No.667 of 2014 is set aside. The application in I.A.No.667 of 2014 is allowed. It is open to the parties to produce materials before the trial Court in support of their respective contention.

7.The Civil Revision Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2016

jbm
Index:Yes/No
To

The IV Additional District Court,
Coimbatore.

K.K.SASIDHARAN, J.

jbm

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