

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

**CRP(PD).No.1747 of 2018
and
CMP.No.9618 of 2018**

1. Mathu

2. Govindammal

3. Periyathaie

... Petitioners

Vs.

1. Karthi

2. Menaka (Minor)

3. Viji @ Kumar (Minor)

(Minors represented by their mother
and guardian Panchavarnam)

4. Venkatachalam

5. Sekar

6. Murugan

7. Palaniammal

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decretal order dated 06.11.2017 made in I.A.No.429 of 2017 in O.S.No.202 of 2016 on the file of the District Munsif Court at Mettur and allowed the IA.

For Petitioners : Mr.B.Manoharan

For Respondents :

For R1 to R3 : Mr.A.Sriram

For R4 to R7 : Notice Served

ORDER

This Civil Revision Petition is directed against the fair and decretal order dated 06.11.2017 passed in I.A.No.429 of 2017 in OS.No.202 of 2016 on the file of the learned District Munsif, Mettur, thereby dismissing the petition to implead the petitioners as proposed parties in the suit.

2. The respondents 1 to 3 herein are the plaintiffs and the respondents 4 to 7 are the defendants. The respondents 1 to 3 filed a suit for partition. While pending the suit, the 4th respondent filed a petition in I.A.No.168 of 2017 to implead the petitioners herein as proposed defendants in the partition suit.

3. Admittedly, the property which is subjected for partition belonged to grand father of the petitioners herein. After his demise their father inherited the property. The petitioners are the daughters and the fourth respondent herein is the brother. Therefore, they are also legal heirs of the property which is subjected for partition. As alleged in the plaint so far no partition was happened in respect of the suit property. Therefore, the petitioners also are having their respective share in the suit

property. However, the petition filed by the 4th respondent in I.A.No.168 of 2017 was dismissed for default. Therefore, the petitioners come forward with the petition to implead themselves as parties in the partition suit for the reason that they have 3/5th share in the suit property. The respondents 1 to 3 have filed a suit without impleading the other legal heirs of the father of the petitioners herein. Therefore, they are necessary and proper parties in the suit for partition.

4. In view of the above discussion, this Civil Revision Petition is allowed and the order passed in I.A.No.429 of 2017 in O.S.No.202 of 2016 dated 06.11.2017 is set aside. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.04.2021

kv

Index :Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYANJ.,

kv

To

1. The District Munsif, Mettur.
2. The Section Officer,
V.R.Section, High Court of Madras.



C.R.P(PD).No.1747 of 2018

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