



CRP Nos.228 & 229 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

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

CRP.Nos.228 & 229 of 2015
and M.P.No.1 of 2015

CRP.No.228 of 2015;

Saravanavelu

..Petitioner

Vs.

Pazhaniyandi (Died)

- 1.Dhandapani
- 2.Anandhavel
- 3.Poosalingam
- 4.Sivaguru
- 5.Shanmughanandam
- 6.Vedharathinam
- 7.Chandra
- 8.Kasthuri
- 9.Kanngi
- 10.Padmavathi
- 11.Kadirvel
- 12.K.S.S.Moorthy
- 13.K.Thiruselvam
- 14.K.Bharath
- 15.Amudha Panneelselvam
- 16.Subhashini

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the learned I Additional Subordinate Judge, Cuddalore, in I.A.109 of 2014 in I.A.No.249 of 2008 in



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O.S.No.17 of 1991 by order dated 07.10.2014.

CRP.No.229 of 2015;

Saravanelu

..Petitioner

Vs.

Pazhaniyandi (Died)

- 1.Nagamuthu
- 2.Shanmughanandan
- 3.Vedharathinam
- 4.Chandra
- 5.Kasthuri
- 6.Kannagi (Died)
- 7.Padmavathi (Died)
- 8.Kadirvel
- 9.K.S.S.Moorthy
- 10.K.Thiruselvam
- 11.K.Bharath
- 12.Amudha Panneerselvam
- 13.Subhashini..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the learned I Additional Subordinate Judge, Cuddalore, in I.A.108 of 2014 in I.A.No.248 of 2008 in O.S.No.17 of 1991 by order dated 17.09.2014.

(In CRP.No.228 of 2015)

For Petitioner : Mr.R.M.D.Nazarullah

For Respondents

For R1 to 4 : Mr.T.S.Baskaran
for C.B.Vishnudasana

For R5 & 13 : Ms.G.Keerthana
for Mr.V.Jaiharisudan



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For R6 to 12 : Given up

For R14 to 16 : Given up

(In CRP.No.229 of 2015)

For Petitioner : Mr. R.M.D.Nazarullah

For Respondents

For R1 : Mr.T.S.Baskaran
for Mr.C.B.Vishnudasana

For R2 & 10 : Ms.G.Keerthana
for Mr.V.Jaiharisudana

For R3 to 9 : Given up

For R11 to 13 : Given up

COMMON ORDER

CRP.No.228 of 2015 has been filed to set aside the fair and decreetal order dated 07.10.2014 in I.A.109 of 2014 in I.A.No.249 of 2008 in O.S.No.17 of 1991 on the file of the I Additional Subordinate Judge, Cuddalore.

2. CRP.No.229 of 2015 has been file to set aside the fair and decreetal order 17.09.2014 in I.A.108 of 2014 in I.A.No.248 of 2008 in O.S.No.17 of 1991 on the file of the I Additional Subordinate Judge.

3. Heard both side and perused the materials available on record.



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4. The petitioner and the respondent Pazhaniyandi in both the petitions are plaintiffs in the suit filed by them for partition. The said suit was decreed on 18.03.1993 and thereafter, they filed a petition for final decree. Pending the final decree, the third parties filed applications to implead themselves as parties in the suit in I.A.Nos.248 and 249 of 2008 and both were allowed by the trial Court. Aggrieved by the same, the plaintiffs in the suit filed CRPs before this Court in CRP.Nos.1601 and 1602 of 2010. This Court by an order dated 20.12.2013, dismissed the said CRPs and concluded that the proposed parties are necessary parties to the suit.

5. Thereafter, the proposed parties filed petitions to enlarge the period to file a re-open petitions in I.A.Nos.108 and 109 of 2014 and both the petitions were allowed by the trial Court. Challenging the said orders, the petitioner before this Court in these revisions.

6. The suit for partition is of the year 1991 and it is pending for a period of 21 years. When this Court allowed the proposed parties as necessary parties to the suit, the trial Court rightly allowed the applications filed to enlarge the



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time to re-open the suit. Therefore, this Court finds no infirmity or illegality in the orders passed by the Court below.

7. In fine, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2022

Speaking/Non-speaking order
Index : Yes/No
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To

The I Additional Subordinate Judge,
Cuddalore.



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