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C.R.P.No.3809 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.3809 of 2019
and CMP.No.25019 of 2019

1.G.Chidambaram
2.G.Chanderan

.. Petitioners

VS

1.Munusamy
2.Irusappan
3.Manikkam
4.Dhanalakshmi
5.Sampoornam
6.Irusammal
7.Vajjaravelu
8.Mani
9.Guruswamy
10.Ellammal
11.Susila
12.Perumal

.. Respondents

Petition filed under Article 227 of the Constitution of India against the order and decree dated 01.12.2019, made in I.A.No.2 of 2019 in O.S.No.19 of 2017, on the file of Subordinate Judge, Tiruttani.

For Petitioners : Mr.A.Gouthaman



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ORDER

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2.Mr.A.Gouthaman, learned counsel appearing for the petitioners would submit that the entire idea of the plaintiffs is to drag on the proceeding and further at the time of presentation of the plaint, he ought to have been atleast shown as a defendant. Having not done so in the year 2017, to implead the petitioners after filing of the written statement is only to somehow or other protract the same.

3.The relationship of the proposed 12th defendant Perumal, as one of the sons of Ayammal, is not in dispute. The suit itself has been initiated by the plaintiffs only on the ground that they are the legal heirs of Ayammal. In a partition suit, all the parties have to be impleaded as the parties to the suit, otherwise will be fatal for non-joinder of necessary parties. The said defect has been rectified by filing of the impleading



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application in I.A.No.2 of 2019.

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4.The learned trial Judge has rightly allowed the application. I do not find any necessity to interfere. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The Subordinate Judge,
Tiruttani.



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V. LAKSHMINARAYANAN,J.

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