



C.R.P.No.686 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.No.686 of 2019**

**and**

**C.M.P.No.4477 of 2019**

1.Sumathi Ammal  
2.Minor Devisri

... Petitioners

Vs.

1.Usharani  
2.Kalaiselvi  
3.Indirani Ammal  
4.Pugazhendhi

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair order and decretal order dated 06.09.2018 passed in I.A.No.62 of 2018 in O.S.No.58 of 2008 on the file of the learned I Additional Sub-Judge,Cuddalore.

For Petitioner : Mr.P.Suresh Babu

For Respondents 1 &2 : Mr.R.Chakkaravarthy

For respondent 3 : Died

For respondent 4 : Served-no appearance



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## **ORDER**

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 1 and 2 seeking to implead them as party defendants in the suit.

2. The petitioners herein filed a suit for partition claiming  $\frac{1}{2}$  share against the respondents 3 and 4 in O.S.No.58 of 2008 on the file of learned I Additional Sub-Judge, Cuddalore. A preliminary decree for partition of  $\frac{1}{2}$  share was passed in favour of petitioners. When the final decree application was pending, the respondents 1 and 2, claiming themselves as daughters of 3<sup>rd</sup> respondent and sisters of 1<sup>st</sup> petitioner's husband one Ramalingam, filed instant application for impleading them as party defendants in the suit. The said application was allowed by the Trial Court and aggrieved by the same, the petitioners are before this Court.

3. The learned counsel for the petitioners submitted that respondents 1 and 2 were very well aware of the pendency of the suit and they have not taken



any steps to implead themselves before passing of preliminary decree. It was also submitted by the learned counsel for the petitioners that subsequent to passing of preliminary decree, the respondents 1 and 2 along with 3<sup>rd</sup> respondent sold the suit properties to third parties and therefore, they are not entitled to get themselves impleaded in the present suit.

4. It is not in dispute that respondents 1 and 2 are daughters of 3<sup>rd</sup> respondent. The petitioners are wife and minor daughter of one Ramalingam, who was son of 3<sup>rd</sup> respondent. Therefore, the respondents 1 and 2/impleading petitioners claiming themselves as sisters of deceased Ramalingam. It is the case of the petitioners that suit properties was purchased by Ramalingam's father one Muthuvel in the name of his wife, the 3<sup>rd</sup> respondent herein. In such circumstances, the respondents 1 and 2, as daughters of Muthuvel are entitled to get themselves impleaded in the partition suit. The share of the parties have to be ascertained only in the presence of daughters of Muthuvel, who alleged to have purchased the property in the name of 3<sup>rd</sup> respondent herein.

5. It is settled law that in a suit for partition, any number of preliminary



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decree can be passed. In such circumstances, I do not find any illegality or irregularity in the order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

**06.03.2024**

Index : Yes / No

Internet : Yes / No

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**To**

The learned I Additional Sub-Judge, Cuddalore.



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**S.SOUNTHAR, J.**

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**and**  
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**06.03.2024**