



C.R.P.(PD)No.1938 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.02.2024

Coram:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD)No.1938 of 2021

and

C.M.P.No.15033 of 2021

S.Sumathi

.. Petitioner

//versus//

1.N.Radhamani

2.N.Nandhagopal

3.N.Jeyapriya

4.Natchimuthu

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Indian Constitution, seeking to set aside the fair and decretal order dated 29.04.2021 passed in I.A.No.1 of 2020 in O.S.No.465 of 2015 on the file of 4th Additional Sub Judge at Coimbatore.

For Petitioner :Mr.K.Myilsamy

For R1 to R4 :M/s C.Deepak Kumar



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ORDER

This Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents 1 to 3 seeking their impleadment in a partition suit.

2. The petitioner herein filed a suit for partition against his father/fourth respondent herein claiming half share. The respondents 1 to 3 claiming themselves as a children born to the 4th respondent through his second wife, filed the impleading application. The trial Court allowed the said impleading application. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the suit properties are ancestral properties and even as per the affidavit filed by respondents 1 to 3 in the impleading application, they admitted that they were born to the fourth respondent through the second wife. Therefore, it is the submission of the learned counsel appearing for the petitioner that the respondents 1 to 3 cannot be treated as legitimate children of the fourth respondent and in such circumstances, they will not



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have any share in the ancestral properties. Whether the suit properties are ancestral properties or self-acquired properties of Natchimuthu and whether the respondents 1 to 3 are having any share in the suit properties are all the issues, which will be decided at the time of final disposal. As per the contention made by the respondents 1 to 3, they are the children of the fourth respondent through the second wife. Therefore, respondents 1 to 3 are proper parties to the partition suit, if not necessary parties. Hence, I do not find any error in the order passed by the trial Court allowing the application filed by the respondents 1 to 3.

4. Accordingly, this Civil Revision Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2024

Index:yes/no
Internet:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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To:



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The 4th Additional Sub Judge at Coimbatore.



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