



**C.R.P(MD)No.2128 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 21.10.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**C.R.P(MD)No.2128 of 2024**  
**and**  
**C.M.P(MD)No.12122 of 2024**

1.P.Kandasamy

2.K.Banumathi

3.M.Thangavel

4.T.Geetha

... Petitioners /  
Petitioners /  
Plaintiffs

Vs.

1.P.Muthusamy

2.P.Sellammal

3.P.Logambal

4.M.Sureshkumar

5.M.Vijayakumar

6.P.Meenakshi

1/5



**C.R.P(MD)No.2128 of 2024**

7.S.Indhumathi

8.R.Arumugam

9.A.Eswari

... Respondents 1 to 9 /  
Respondents 1 to 9 /  
Defendants 1 to 9

10.M/s.Adhithya Yuyar Thara Saiva Unavagam,  
Represented by its Partner  
P.Kandasamy,  
S/o.Late.Palaniyapa Gounder,  
Gandhigramam,  
Karur Town.

... 10<sup>th</sup> Respondent /  
10<sup>th</sup> Respondent /  
Proposed 10<sup>th</sup> Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.08.2024 passed in I.A.No.1 of 2024 in O.S.No.31 of 2017 on the file of learned Additional District Judge, Karur.

For Petitioner : Mr.S.Parthasarthy  
for Mr.M.R.Sreenivasan

For Respondents : Mr.VR.Shanmuaganathan  
for Mr.P.Athimoolapandian for R.1

Mr.G.Prabhu Rajadurai  
for R.2 to R.7

No Appearance for R.8 & R.9



WEB COPY



**C.R.P(MD)No.2128 of 2024**

## **ORDER**

Heard both sides.

2.The plaintiffs in O.S.No.31 of 2017 on the file of the Additional District Judge, Karur are the revision petitioners herein. They filed I.A.No.3 of 2024 for impleading the proposed tenth respondent. The impleading petition was dismissed vide order dated 07.08.2024. Questioning the same, this Civil Revision Petition came to be filed.

3.It is seen that the suit is for cancelling the sale deeds dated 12.07.2016 and 13.07.2016 executed by the first defendant in favour of the defendants 2 to 7 and for permanent injunction. The plaintiffs allege that they had executed power of attorney in favour of the first defendant for effecting resolution of certain disputes among the partners and that it was misused. Allegation of forgery has also been made. If the plaintiffs succeed in proving these averments, then decree would be passed in their favour.



**C.R.P(MD)No.2128 of 2024**

4.I fail to understand as to how the proposed tenth respondent which is nothing but a partnership firm represented by the first plaintiff is a proper and necessary party.

5.The learned counsel appearing for the contesting respondents / D.2 to D.7 on instructions informs this Court that they would not raise the plea of non-joinder of the proposed tenth respondent in future. There is no need to interfere with the impugned order.

6.Recording the undertaking of the contesting respondents, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**21.10.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
MGA

To

The Additional District Judge,  
Karur.

4/5



WEB COPY



***C.R.P(MD)No.2128 of 2024***

**G.R.SWAMINATHAN, J.**

MGA

**C.R.P(MD)No.2128 of 2024**

**21.10.2024**