



C.R.P.(MD)No.2684 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2684 of 2024
and
C.M.P.(MD)No.15331 of 2024

Late.Muthuramu ... 1st Respondent / 1st Defendant

1.Lakshmi

2.Murugan

3.Palammal

4.Senthil

5.Murugavelli ... Petitioners 1 to 5 / Proposed Respondents 3to7
Proposed Respondents 3 to 7

Vs.

1.Periyasamy ... 1st Petitioner / 1st Plaintiff

2.Ponnammal

3.Ramar ... Respondents 2 & 3 / Proposed Petitioners 2 & 3
Proposed Plaintiffs 2 & 3

Late.Thangavelu Ammal ... 2nd Respondent / 2nd Defendant



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the portion of the fair and decreetal order dated 16.11.2023 made in I.A.No.2 of 2023 in I.A.No.321 of 2023 in O.S.No.85 of 2019 on the file of the Sub Court, Paramakudi impleaded the third proposed petitioner / 3rd proposed plaintiff / 3rd respondent herein as a party to the suit and challenging the same.

For Petitioners : Mr.V.Thirumal

ORDER

Heard the learned counsel appearing for the revision petitioners.

2. The legal heirs of the deceased first defendant in O.S.No.85 of 2019 on the file of the Sub Court, Paramakudi are the revision petitioners. The suit was instituted by one Periyasamy for partition. Periyasamy passed away during the pendency of the suit. IAs were filed by the legal heirs to come on record. Ponnammal is the wife of Periyasamy. It was projected in I.A.No.2 of 2023 that Periasamy and Ponnammal had adopted one Ramar as their son and that therefore, he should also come on record. The court below vide order dated 16.11.2023 allowed IAs. Aggrieved by the same, this civil revision petition came to be filed.



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3. The learned counsel for the revision petitioners submitted that the so called adoption of Ramar is open to grave doubt. The learned counsel argued at length questioning the very adoption. He also relied on the decision reported in **(2018) 8 MLJ 463 (G.Seeni Vs. Avudaiammal)**. I am not swayed by the said submission. IA had not been allowed for the asking. On the side of the plaintiff, as many as four documents including the school certificate of Ramar was marked. In any event, it is open to the revision petitioners herein to challenge the factum of adoption when the trial takes place. At this stage, the issue need not be gone into.

4. Granting liberty to the petitioners herein to file an additional written statement questioning the adoption and also leaving the point to be decided in the main suit, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

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To:

The Sub Court, Paramakudi.

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