

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.(PD).No.3893 of 2023

and

C.M.P.No.24015 of 2023

Sajath Begam
13/27, North Street,
Kollimalaimelpathy,
Lalpettai,
Kattumannarkoil Taluk,
Cuddalore District.

...Petitioner/1st Respondent/
Plaintiff

Vs.

1.Mohamed Basheer
No.13/8, South Street,
Kollimalaimelpathy,
Lalpettai,
Kattumannarkoil Taluk,
Cuddalore District.

...Respondent/Petitioner/
3rd party

2.The Tahsildar,
Taluk Office,
Kattumannarkoil,
Cuddalore District.

3.The District Collector,
District Collectorate,
Cuddalore District.

...Respondents/Respondents 2 and 3
/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of

India, 1950, praying to set aside the Fair and Decreetal Order dated October 18, 2022, made in I.A.No.120 of 2021 in O.S.No.3 of 2020 on the file of the District Munsif -cum- Judicial Magistrate, Kattumannarkoil.

For Petitioner : Mr.G. Pugazhenth

For Respondents : Ms.Aswini Devi. K,
Additional Government Pleader
for R2 and R3

Mr.G.Nirmal Krishnan
For R1 – No appearance

ORDER

Feeling aggrieved by the Order dated October 18, 2022 passed by the 'District Munsif cum Judicial Magistrate, Kattumannarkoil' (hereinafter referred to as the 'Trial Court') in the Interlocutory Application in I.A.No.120 of 2021 filed under Order I Rule 10 of 'the Code of Civil Procedure, 1908', ('CPC' for short) in O.S.No.3 of 2020, the 1st Respondent in the Interlocutory Application has filed this Civil Revision Petition.

2.The revision petitioner herein is the plaintiff in the Original Suit. The plaintiff filed the Original Suit against the defendants / respondents 2 and 3 herein praying to declare her as the adopted daughter of the deceased - Ayisha Beevi and also seeking to pass a decree of mandatory injunction directing the defendants 1 and 2 / respondents 2 and 3 herein to issue Legal heirship Certificate in favour of the plaintiff.

3.Then the 1st respondent herein, who is a third party to the Suit, filed the Interlocutory Application in I.A.No.120 of 2021 under Order 1 Rule 10 of CPC praying to implead him as the third defendant to the Original Suit.

4.During enquiry of the said petition, the 1st respondent herein examined himself as P.W.1 and marked Ex-P.1 to Ex-P.6 on his side. No oral and documentary evidence was adduced on the side of the revision petitioner / 1st respondent therein.

5.Upon enquiry, the Trial Court allowed the Interlocutory Application holding that the first respondent herein / petitioner therein is a relative of the deceased - Ayisha Beevi and no evidence was adduced by the revision petitioner / first respondent therein to contradict the same. Since the Suit is for declaration of adoption of the revision petitioner / plaintiff by the deceased Ayisha Beevi, no prejudice would be caused to the revision petitioner in impleading the first respondent herein / petitioner therein. Aggrieved by the same, the revision petitioner / first respondent therein / plaintiff has filed this Civil Revision Petition.

6. Though the 1st respondent herein initially entered appearance through an Advocate, none appeared on his behalf today. Mr.G.Pugazhenth, learned Counsel appearing for the Revision Petitioner and Ms.K.Asmini Devi, learned Additional Government Pleader appearing for the Respondents 2 and 3 are

before this Court.

7. Mr.G.Pugazhenth, learned Counsel appearing for the revision petitioner submits that the revision petitioner is an adopted daughter of the deceased - Ayisha Beevi. The 1st respondent / proposed party is in no way connected with the Suit. He is not a legal heir of the deceased - Ayisha Beevi. Hence, he has no right to oppose the Suit. The Trial Court without considering the facts and circumstances of the case, erroneously allowed the Interlocutory Application. Accordingly, he prays to allow this Civil Revision Petition and to set aside the Order passed by the Trial Court in I.A.No.120 of 2021.

8.Ms.K. Aswini Devi, learned Additional Government Pleader appearing for the Respondents 2 and 3 submits that the Respondents 2 and 3 are formal parties to the Suit and that the Respondents 2 and 3 will abide by the Judgment to be passed in the Suit.

9.This Court has considered the submissions made on either side.

10. The case of the first respondent herein is that he is the legal representative of the deceased - Ayisha Beevi. The issues involved in this case are as to whether the 1st Respondent herein is a legal representative of the deceased - Ayisha Beevi or not, and whether the Plaintiff's claim is legally sustainable. These issues can be gone through only at the time of trial. The

presence of the first respondent herein is necessary to decide the Suit and hence, he is a necessary party. The Trial Court rightly allowed the Interlocutory Application and this Court does not find any irregularity or illegality in the Order passed by the Trial Court.

11.In the result, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed. The Revision Petitioner is at liberty to raise all her contentions made in this Civil Revision Petition by way of a Reply Statement or Rejoinder before the Trial Court.

19.11.2025

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps

R. SAKTHIVEL, J,

mps

To

1.The District Munsif -cum- Judicial Magistrate,
Kattumannarkoil.

2.The Section Officer,
VR Section,
Madras High Court.

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and
C.M.P.No.24015 of 2023

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