



CRP. Nos.629 of 2025 and 810, 868 & 812 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:27.06.2025

Pronounced on:22.08.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. Nos.629 of 2025 and
CRP. Nos.810, 868 & 812 of 2024
and
CMP. Nos.3574 & 4022 of 2024**

CRP. No.629 of 2025:

Chinna Irusan (Died)

- 1.Chinnammal
- 2.Rajendran
- 3.C.Govindarajan
- 4.C.Kalaiselvi

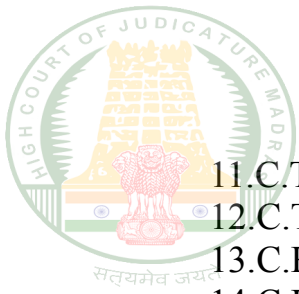
Petitioners

Vs

Periyasamy (Died)

Chinnusamy (Died)

- 1.Chinnathayee
- 2.C.Thirulogachandar
- 3.C.Adhinarayanan
- 4.Angamuthu
- 5.Poornima
- 6.Iravanan
- Meharunbi (Died)
- 7.Alavudin Batcha
- 8.Mohammed Sheriff
- Sekar (Died)
- 9.A.Boopathi
- Chinnapillai (Died)
- 10.C.Muthamilan



11.C.Tamilselvi

12.C.Tamilarasi

13.C.K.Latha

14.C.K.Vijaya

15.C.K.Chitra

16.Tamil Nadu Electricity Board,

Rep. By Superintending Engineer (O & M),

Mettur.

17.The Executive Engineer,

Tamil Nadu Electricity Board (O & M),

Edappadi.

18.The Assistant Executive Engineer,

Tamil Nadu Electricity Board (O & M),

Edappadi.

19. The Assistant Engineer,

Tamil Nadu Electricity Board (O & M),

Edappadi.

20. The Commissioner,

Edappadi Municipality,

Edappadi.

21.Lakshmi

22.Kundumani

23.Chinnathambi

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 25.11.2024 passed by the learned District Munsif-cm Judicial Magistrate, Edappadi in I.A. No.7 of 2024 in O.S. No.99 of 2020.

CRP. Nos.810, 812 & 868 of 2024

Chinna Irusan (Died)

1.Chinnammal

2.Rajendran

3.C.Govindarajan

4.C.Kalaiselvi



CRP. Nos.629 of 2025 and 810, 868 & 812 of 2024



Petitioners in the above CRPs

Vs

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- 1.C.Thirulogachandar
- 2.C.Adhinarayanan
- Periyasamy (Died)
- 3.Chinnusamy
- 4.Lakshmi
- 5.Chinnathayee
- 6.Gundumani
- 7.Chinnathambi
- 8.Iravanan
9. Merunbee
- 10.Allavudeen Batcha
- 11.Mohammed Sheriff
- 12.G.Sekar
- 13.A.Boopathi
- Chinnapillai (Died)
- 14.C.Muthamizhan
- 15.C.Tamilselvi
- 16.C.Tamilarasi
- 17.C.K.Latha
- 18.C.K.Vijaya
- 19.C.K.Chitra

Respondents in the above CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 08.06.2023 passed by the learned District Munsif-cm Judicial Magistrate, Edappadi in I.A. Nos.2, 5 & 4 of 2020 in O.S. No.99 of 2020.

For Petitioners : Mr.L.Mouli in all CRPs



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CRP. Nos.629 of 2025 and 810, 868 & 812 of 2024



For Respondents : Mr.T.Saikrishnan for R2 to R5
Mr.S.T.Raja for R16 to 19
Mr.N.Manoharan for R6 to R10
Mr.D.Gopal,
Government Advocate for R20
No Appearance for R1 to R5,
11 to 15, 21 to 23
in CRP. No.629 of 2025
Mr.T.Saikrishnan for R1 & R2
in CRP. Nos.810, 812 &
868 of 2024
Mr.N.Manoharan for R8 & R14
in CRP. Nos.810, 812 &
868 of 2024

COMMON ORDER

The Revision Petitioners are defendants in O.S. No.99 of 2020. Interlocutory Applications were taken out in the said suit by the plaintiffs for impleading the Electricity Board Officials; injunct the Electricity Board Officials from disconnecting electricity connection; implead the Commissioner of Edappadi Municipality and to implead respondents 2 and 3 herein as plaintiffs 7 and 8 in the said suit.

2. Though the revision petitioners contested all the four Applications, the Trial Court allowed three Applications viz., the Application to implead the Electricity Board Officials, Edappadi



Commissioner, Edappadi Municipality and respondents 2 and 3 as plaintiffs 7 and 8. These three orders have been challenged by the revision petitioners in CRP. Nos.810, 812 and 868 of 2024.

3. Pending these revisions, the mother and sister of the respondents 2 and 3 who were impleaded as plaintiffs and respondents 24 to 26 who were originally plaintiffs in the suit were transposed as defendants, in and by order dated 19.10.2024. The newly impleaded parties sought amendment of the plaint and took out an Application in I.A. No.7 of 2024 and same was also allowed as against which, CRP. No.629 of 2025 has been filed.

4. I have heard Mr.S.Mouli, learned counsel for the revision petitioners in all the revisions, Mr.T.Sai Krishnan, learned counsel for respondents 2 to 5 in CRP. No.629 of 2025 and respondents 1 and 2 in the other three CRPs. Mr.S.T.Raja, learned counsel for the respondents 16 to 19 in the CRP. No.629 of 2025, Mr.D.Gopal, learned Government Advocate for respondent 20 in CRP. No.629 of 2025 and Mr.N.Manoharan, learned counsel for the respondents 6 to 10 in CRP. No.629 of 2025 and respondents 8 and 14 in the other three CRPs.



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5. The learned counsel for the revision petitioners in all these revisions would contend that the plaintiffs who have been additionally brought on record by way of impleadment, pending the suit are all *pendente lite* purchasers who are bound by the doctrine of *lis pendens*. He would therefore contend that they had no right to get impleaded in the suit and they are neither necessary nor proper parties. Insofar as the Applications for impleading the Electricity Board Officials of the Edappadi Municipality also, Mr.Mouli, learned counsel for the revision petitioners would contend that they are no way going to add value to decide the suit reliefs. According to the learned counsel for the petitioners, the Trial Court ought to have dismissed the Applications, holding that they are neither proper nor necessary parties. He would also state that by way of permitting amendment, the Trial Court has virtually altered the very character of the suit which is impermissible under Order VI Rule 17 of CPC. He would therefore pray for all the revisions being allowed.

6. Per contra, Mr.T.Saikrishnan, learned counsel for the respondents 2 to 5 in CRP. No.629 of 2025 and respondents 1 and 2 in the other three CRP, respondents 2 to 5 in CRP. No.629 of 2025 and



respondents 1 and 2 in the other three CRPs, would contend that the Applications have been rightly allowed by the Trial Court and there is no impropriety or illegality in the findings arrived at by the Trial Court in allowing Interlocutory Applications, in order to avoid multiplicity of proceedings. He would further state that the Trial Court has passed a well considered order and the same does not warrant interference.

7. Mr.N.Manoharan, learned counsel for the respondents 6 to 10 in CRP. No.629 of 2025 and respondents 8 and 14 in the other three CRPs would contend that consequent to impleading of parties, the amendments were absolutely necessary and were only consequential. He would also state that the suit was originally filed before the District Munsif Court, Edappadi in the year 1993 for partition and separate possession and suit has been pending that more than 30 years. He would therefore submit that the Trial Court has rightly entertained the Interlocutory Applications in order to decide all contentious issues in a single suit and viewed from this angle, he would state that no fault can be found with the order of the Trial Court. He would also pray for the dismissal of the revisions.

8. I have carefully considered the submissions advanced by the



learned counsel on either side. I have also gone through the records including the orders that are impugned in these revision petitions.

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9. Insofar as the first three revision petitions viz., challenging the order permitting impleadment of the Electricity Board Officials and Commissioner of the Edappadi Municipality and the proposed parties as plaintiffs 7 and 8, the Trial Court has noticed that the suit is pending on its file right from 1993 and it was one for partition and injunction and at the stage of cross examination of P.W.1, the proposed parties who sought impleadment as plaintiffs 7 and 8 have contended that they are purchasers of 7 cents of land by virtue of registered sale deed dated 31.12.2012 and they have also assessed the building to tax. However, the Municipality Commissioner has proceeded to cancel the assessment and similarly, the Electricity Board has also disconnected service connection which has necessitated the parties to implead themselves and also the Municipality Commissioner and the Electricity Board Officials since it has been contended by them that the proposed plaintiffs are trespassers and they are not entitled to Electricity Supply and assessment of the building in their names. The Trial Court has found merit in the contention of the proposed plaintiffs that the impleadment as required would result in



avoiding multiplicity of proceedings and no serious hardship would be caused to the remaining parties, especially the contesting respondents if the Applications are allowed.

10. Insofar as the amendment petition is concerned, the Trial Court has found that the amendment is sought prior to commencement of trial and the amendment would curtail multiplicity of proceedings and also serve justice ultimately to the parties. Taking note of the institution of the suit in the year 1993 and pendency of the suit for several years and that along with the present suit, four other suits are jointly tried, the Trial Court has allowed the amendment Application. The suit is only for partition and separate possession and admittedly, the trial has not yet commenced. As held by the Hon'ble Supreme Court as well as this Court, all pre-trial amendment should be considered liberally.

11. The original character of the suit for partition also does not in any way get altered in view of the impleadment of the parties and the amendments that have been permitted by the Trial Court. The issues pertaining to cancellation of assessment, disconnection of electricity supply are only consequential acts of the statutory authorities which have been occasioned only as fall out of the issues that arise for adjudication in



the partition suit. Therefore, it cannot be said that by such amendments and impleadments, the original character of the suit itself gets altered.

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12. As rightly held by the Trial Court, merely because the amendments are allowed, it would not amount to an adjudication on the merits of the amended plea. The Trial Court has also rightly held that the parties would have a right to come forward with additional pleadings to meet the amendments permitted. Independently, I have also gone through the amendments that are sought for and as rightly contended by Mr.N.Manoharan, learned counsel for the respondents, the amendments are only consequential and in fact necessary, pursuant to the impleadment of new parties. Therefore, I do not find any infirmity in the orders of the Trial Court allowing impleading and amendment Applications.

13. In fine, I find no merits in these revisions. Accordingly, these Revision Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

22.08.2025

rkp

Index : Yes / No

Internet : Yes / No



To:

1. The District Munsif cum Judicial Magistrate, Edappadi.
2. The Superintending Engineer (O & M), Tamil Nadu Electricity Board, Mettur.
3. The Executive Engineer, Tamil Nadu Electricity Board (O & M), Edappadi.
4. The Assistant Executive Engineer, Tamil Nadu Electricity Board (O & M), Edappadi.
5. The Assistant Engineer, Tamil Nadu Electricity Board (O & M), Edappadi.
6. The Commissioner, Edappadi Municipality, Edappadi.

P.B.BALAJI, J.,

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Pre-delivery order in
CRP. Nos.629 of 2025 and
CRP. Nos.810, 868 & 812 of 2024



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CRP. Nos.629 of 2025 and 810, 868 & 812 of 2024



and
CMP. Nos.3574 & 4022 of 2024

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