



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.618 of 2024
& CMP.No.3064 of 2024

Dhanasekaran

... Petitioner

Vs.

- 1.Balaraman
- 2.Ilavenil
- 3.Punitha
- 4.Jothi
- 5.Saritha
- 6.Thatchayini
- 7.Rajendiran
- 8.Natarajan
- 9.Chittibabu
- 10.Govindan
- 11.Vanathaai
- 12.Raja
- 13.Ramakrishnan Naidu
- 14.RadhaAmmal
- 15.Ravi
- 16.Rangan
- 17.Vijaya
- 18.Parimala
- 19.Latha
- 20.Devi
- 21.Murugan

... Respondents



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order of the learned Judge in I.A.No.161 of 2023 in O.S.No.276 of 2015 dated 23.11.2023 on the file of the Additional District Munsif, Tindivanam.

For Petitioner : Mrs.Rita Chandrasekar
for M/s.Aiyar and Dolia

For Respondents : Mr.K.Venkateswaran for RR 12, 15 to 20
R1 Died
No appearance for RR2 to 5, 7 to 11

ORDER

This revision has been filed to set aside the fair and decretal order in I.A.No.161 of 2023 in O.S.No.276 of 2015 dated 23.11.2023 on the file of the Additional District Munsif, Tindivanam.

2.Heard Mrs.Rita Chandrasekar, for M/sAiyar and Dolia, learned counsel for the petitioner and Mr.K.Venkateswaran, learned counsel for the respondents 12, 15 to 20. The contesting respondent is the 21st respondent, who has been served and has not chosen to appear either in person or through counsel.



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3.The learned counsel for the petitioner would state that the plaintiff has already given up the properties, namely items 2 and 3, which stand in the name of the 21st defendant and the said application in I.A.No.257 of 2022 has been allowed by the Trial Court. As a consequence, the petitioner has taken out the present application in I.A.No.161 of 2023 to amend the plaint to delete the name of the 21st defendant. It was only a consequential amendment which should have been entertained by the Trial Court. Unfortunately, the Trial court has proceeded to dismiss the said application, stating that there are averments pertaining to the 21st defendant in the plaint and hence, the 21st defendant cannot be deleted from the array of parties.

4.The plaintiff is the *dominus litus* and moreover, the Court has already permitted the properties belonging to the 21st defendant to be removed from the suit schedule properties, namely items 2 and 3, by way of an order in I.A.No.257 of 2022. The findings of the Trial Court are clearly erroneous and liable to be set aside. The 21st defendant is not a necessary or proper party. It is also the case of the plaintiff that the 21st defendant is not entitled to share in the other items of the suit properties. Therefore, the Trial Court should have only considered the present application as a



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consequential application to IA.257 of 2022 and proceeded to allow the same. In the light of the above, I am inclined to set aside the order of the Trial Court.

5.In fine, the Civil Revision Petition is allowed and the order dated 23.11.2023 in I.a.No.161 of 2023 in O.S.No.276 of 2015 on the file of the Additional District Munsif, Tindivanam, is set aside. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

13.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To

The Additional District Munsif Court, Ulundurpet.



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P.B. BALAJI,J.

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