



C.R.P.No.2123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.2123 of 2025 and CMP No.12384 of 2025

Karthikeyan

.... Petitioner

VS

- 1.Muniyammal
- 2.Sarojini
- 3.Mayili
- 4.Kalidas
- 5.Veerabalan
- 6.ALAR.SM.Narayanan Chettiyar
- 7.SV.R.M.AR.R.M.Subramaniam Chettiyar
- 8.SRM.Ramanathan
- 9.K.Suresh
- 10.V.Kamaraj
- 11.A.Thirumurugan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.1 of 2023 in O.S.No.9 of 2015 dated 24.09.2024 on the file of I Additional District Judge, Tindivanam..

For Petitioner

: Mr.S.Madhar Khan

ORDER

The petitioner has sought for impleading himself in O.S.No.9 of 2015.



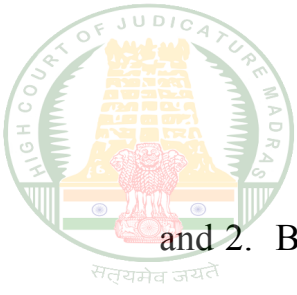
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2. The suit is one for partition. The petitioner claims to be a tenant under the defendants 1 and 2 and he moved an application in I.A.No.1 of 2023 under Order I Rule 10(2) of Civil Procedure Code to implead him as 7th defendant in the suit. The same was contested by the plaintiffs and on conclusion, the learned I Additional District Judge, Tindivanam found that the petitioner is neither a necessary party nor proper party, for deciding the suit and dismissed the said application.

3. Heard the learned counsel for the petitioner. Learned counsel for the petitioner submits that the petitioner has spent substantial money in establishing the school and there are students studying in the school from classes I to V. Learned counsel further submits that after the institution of the suit, the plaintiffs objected to the grant of building permission and fire licence and therefore, the petitioner is not only an aggrieved party but also necessary party for the adjudication of the suit.

4. I am unable to countenance the submissions of the learned counsel for the petitioner. Admittedly, the suit is one for partition and separate possession and the petitioner is only a tenant, claiming to be one under the defendants 1



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and 2. By adding the petitioner as a party to the *lis*, he is not going to aid the suit in any manner, which is mainly between the plaintiffs and the defendants.

The trial Court was therefore perfectly justified in rejecting the application filed by the petitioner for impleading himself as a party to the suit.

5. If at all, the petitioner has any apprehension, it is always open to the petitioner to pursue the cause of action against his lessors instead of seeking impleadment. Hence, I do not find any illegality or perversity in the order passed by the trial Court in dismissing the application for impleadment.

6. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2025

Index: Yes/No
Website: yes/no
Speaking Order/Non-Speaking Order
sr

To
I Additional District Judge, Tindivanam..



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P.B.BALAJI.,J.

Sr

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