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CRP. PD. No.381 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. PD. No. 381 of 2023

and CMP. No.3141 of 2023

1.Mrs.Thilagavathi
2.Mr.Meianbu

Petitioner(s)

Vs

1.Mr.Thangaraj
2.Mr.Rajan
3.Mrs.Jothimani
4.Mr.Ravi
5.Mrs.Vasanthi

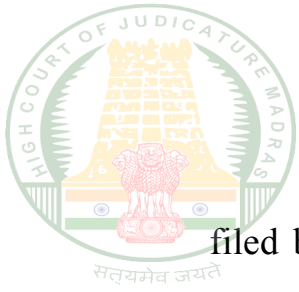
Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 06.12.2022 made in I.A. No.1451 of 2018 in O.S.No.36 of 2015 on the file of Additional District Munsif Court, Tirupur.

For Petitioner : Ms.R.A.Shinusha
For Respondent : Mr.S.Frangklin for
M/s.Sarvabhauman Associates
for R1 to R5.

ORDER

This Civil Revision Petition has been filed to set aside the impugned order dated 06.12.2022 made in I.A. No.1451 of 2018 in O.S.No.36 of 2015 on the file of Additional District Munsif Court, Tiruppur.



2. The said I.A. No.1451 of 2018 in O.S.No.36 of 2015 came to be filed by the respondents herein who are not parties to the said suit for partition. In the said Application, the respondents has contended that they were children born to Palaniammal one of the wives of the first plaintiff. They have also further contended that the first plaintiff has executed a registered Will bequeathing his half share in the suit property to the respondents. The said Application was resisted by the revision petitioners on the ground that the respondents are illegitimate children and they are not proper and necessary parties in the suit filed by late Arunachalam. The learned District Munsif, Tiruppur has allowed the said I.A. No.1451 of 2018. Aggrieved by the same, the petitioners have filed the present revision petition.

3. I have heard learned counsel on either side and I have also gone through the orders passed by learned District Munsif which is impugned in the present revision petition.

4. Dehors, the question of illegitimacy or otherwise of the respondents, the respondents have claimed that the plaintiffs have bequeathed his share in the suit property by way of registered Will in favour of the proposed parties. Then it is just and necessary that such



parties are also impleaded in the suit for partition and their rights are adjudicated. Merely because the respondents herein claimed under a

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Registered Will and sought to impleaded themselves, it will not clothe them with rights in the subject properties, unless and until they are able to establish the truth and genuineness of the said Will. Therefore, there is no serious prejudice caused to the petitioners/defendants by mere substitution of the proposed respondents in the place of the deceased plaintiff. The defendants will have ample opportunities to test the genuineness of the Will at the stage of the Trial. I do not find any perversity or infirmity in the order passed by the Trial Court in I.A. No.1451 of 2018. Therefore, there is no merit in the Civil Revision Petition.

5. Considering the fact that the suit is of the year 2015 and it is one for partition, the trial Court shall expedite the disposal of the suit and pleadings will be completed within a period of six weeks from the date of receipt of the copy of the order. Thereafter, the suit is disposed of finally, after giving fair opportunity to the parties to give oral and documentary evidence within a period of four (4) months thereafter.



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P.B.BALAJI, J.,

6.Accordingly, this Civil Revision Petition is dismissed.
Consequently, connected Miscellaneous Petition is also dismissed. No costs.

05.06.2025

rkp
Index : Yes / No
Internet : Yes / No

To:
The Additional District Munsif,
Tiruppur.

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