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C.R.P.(PD).No. 1249 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 1249 of 2020

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C.M.P. No. 6741 of 2020

1.M.Balasubramanian

2.R.Vasumathi

3.N.Banumathi

4.N.Murugapoopathy

5.M.Gomathi

6.L.Indhumathy

7.L.Balasubramaniam

8.D.Chandra Devi

9.K.Anuradha

10.B.Radhakrishnan

11.K.Sivakumar



C.R.P.(PD).No. 1249 of 2020

12.K.Vigneshwaran

13.S.Selvi

14.K.Senthil Kumaresan

15.M.Kaleeswari

16.S.Jagadeeswari

17.V.Muralidharan

18.V.Radha

19.S.Vijayalakshmi

20.S.Balaji

21.N.Menaka

22.R.Santhamani

23.K.Amirtham

24.K.Sivasankar

25.K.Aathithyan

26.P.Ganga

27.Rajalakshmi

28.Mrs.V.Santhanalakshmi

29.Bharathi



C.R.P.(PD).No. 1249 of 2020

30.Venkatachalam

31.V.Krishnamurthi

32.V.Senthamarai Kannan

...Petitioners

Vs.

1.Sundarambal

2.V.Thirumal Arasu

3.N.P.Veerapandian

4.P.Palanikumar

5.N.P.Gnanavel

6.P.Ranganayaki

7.P.Mahalakshmi

8.K.Suthentha

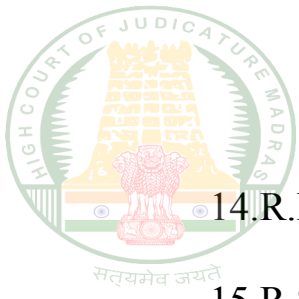
9.P.Arunthathi

10.T.Sangameswari

11.R.Baleswari

12.R.Senthilkumar

13.R.Rajasekar



C.R.P.(PD).No. 1249 of 2020

14.R.Krishnamohan

15.R.Suresh

16.S.Krishnamoorthy

17.E.Premalatha

18.S.Maharani

19.P.Doraisamy

20.D.Ranjith

21.T.Miruthula

22.R.Palanikumar

23.R.Bhuvaneswari

24.P.Vignesh

25.P.Revathi

26.V.Gomathi

27.S.Suguna

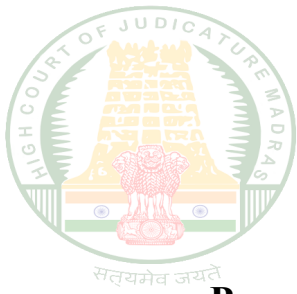
28.V.Sridevi

29.V.Balaji

30.V.Rajkumar

31.P.Leelakrishnan

...Respondents



C.R.P.(PD).No. 1249 of 2020

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03-01-2020 in IA no.12 of 2019 in OS no.1609 of 2015 on the file of the Principal Subordinate Court, Coimbatore.

For Petitioners : Mr. C.R.Prasannan

For Respondent 1: Mr. C.Ravichandran

For Respondents : No Appearance
2 to 31

ORDER

This civil revision petition is filed challenging the order passed in I.A.No.12 of 2019 in O.S.No.1609 of 2015, on the file of the Principal Sub Court, Coimbatore. The above IA has been filed by the 1st respondent herein seeking to implead herself as a party to the proceedings in O.S.No.1609 of 2015.

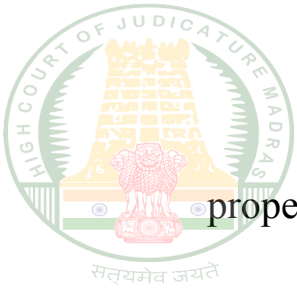


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2. Without traversing into the merits of the case, it is seen that O.S.No.1609 of 2015 has been filed by respondents 2 to 11 herein, for a partition of their 10/44th share in the property and for a permanent injunction. In the said suit, the plaintiffs have pleaded an oral family arrangement dated 22.11.1981. The 1st respondent intum had filed a suit in O.S.No.788 of 2020, on the file of the District Court, Coimbatore, for a partition of the very same property and allot a 1/9th share to her.

3. The 1st respondent claims a right to the property on the basis that she is the sister of one Padmanaban. The said Padmanaban died intestate and issue less and the property devolved on his siblings. The 1st respondent submits that some of the legal heirs are no more.

4. The 1st respondent who is one of the legal heirs of the deceased Padmanaban would submit that the Family Arrangement Deed is a fraudulently created document. Therefore, she is a necessary and



C.R.P.(PD).No. 1249 of 2020

proper party in the suit O.S.No.1609 of 2015 to prove the same.

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5. The learned Trial Judge by his order dated 03.01.2020 allowed the petition as prayed for. Challenging the same, the present civil revision petition has been filed.

6. Heard the learned counsels on the either side and perused the records.

7. The order of the learned Principal Sub Court, Coimbatore in allowing I.A.No.12 of 2019 and consequently impleading the 1st respondent does not suffer from infirmity and the order clearly prevents multiplicity of proceedings. Unless the 1st respondent is impleaded as a party in the suit O.S.No.1609 of 2015, she will not be in a position to question the family arrangement.

8. Therefore, the order impugned is in order and consequently, the Civil Revision Petition is dismissed. Consequently, the connected



C.R.P.(PD).No. 1249 of 2020

miscellaneous petition is closed. No costs.

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9. Since the subject matter in O.S.No.1609 of 2015 and O.S.No.788 of 2020 are one and the same and as the suit in OS.No.788 of 2020 is pending on the file of the District Court, Coimbatore, the suit in O.S.No.1609 of 2015 now pending on the file of the Principal Sub Court, Coimbatore, shall be withdrawn and transferred to the file of the District Court, Coimbatore to be tried along with O.S.No.788 of 2020.

13.02.2025

Index : Yes/No

Internet : Yes/No

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C.R.P.(PD).No. 1249 of 2020

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To

1.The District Court,
Coimbatore

2.The Principal Sub Court,
Coimbatore



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C.R.P.(PD).No. 1249 of 2020

P.T. ASHA, J,

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C.R.P.(PD).No. 1249 of 2020

13.02.2025