**CRP.Nos.1534 of 2024 & 56 of 2025****P.B.BALAJI, J.**

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Today, this matter is listed under the caption “For Being Mentioned” at the instance of Mr.T.Sezhian, the learned counsel for the petitioners in CRP.No.1534 of 2024 for inclusion of liberty to be granted to the impleading petitioner to file a separate suit for partition.

2. Learned counsel for the respective respondents opposed the said request made by Mr.T.Sezhian, the learned counsel for the petitioners in CRP.No.1534 of 2024 stating that, no such liberty is required to be granted to the petitioners in the said revision, to file an independent suit.

3. On going through the order of this Court dated 14.08.2025, this Court is of the view that, no further clarification is required. However, it is made clear that the dismissal of the impleading petition will not come in the way of the revision petitioners in CRP.No.1534 of 2024 seeking to file a suit for partition, if so advised.

28.08.2025

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CRP.Nos.1534 of 2024 & 56 of



P.B.BALAJI, J.

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CRP.Nos.1534 of 2024 & 56 of 2025

28.08.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS



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CRP.Nos.1534 of 2024 & 56 of



DATED : 14.08.2025

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THE HONOURABLE MR. JUSTICE P.B.BALAJI

CRP.No.1534 of 2024 and CRP.No. 56 of 2025

and

CMP.Nos.8247 of 2024 and 17525 & 17527 of 2025

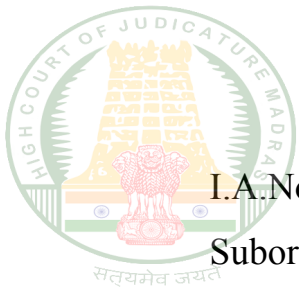
CRP.No.1534 of 2024

1.Yasodha (Died)
2.Usha Rani
w/o.Late Chandramohan
[Petitioner-2 brought on record as LR
of the deceased sole petitioner
viz., Yasodha vide Court order dated 20.06.2025
made in CMP.No.24055 of 2024 and CRP.No.1534 of 2024
CRP.No.56 of 2025 by PBBJ] ... Petitioner(s)

Vs.

1.Chinnaraj
S/o.Kanga Chetty
2.Venkatappan
S/o.Kanga Chetty
3.Mohan
S/o.late Subramani
4.Ravi
S/o.Late Subramani
[R3 & R4 are brought on record as LR of the deceased
sole petitioner viz., Yasodha vide court order dated
20.06.2025 made in CMP.No.24055 of 2024 and
CRP No.1534 of 2024, CRP No.56 of 2025 by PBBJ] ... Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure
Code to set aside the fair and decretal order dated 19.12.2023 passed in



I.A.No.3 of 2023 in I.A.No.1 of 2019 in O.S.No.29 of 2013 on the file of the
Subordinate Court, Thirupathur, Vellore District.

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For Petitioner : Mr.T.Sezhian

For Respondents : Mr.S.Subbiah
Senior Counsel
for M/s.Elizabeth Ravi
and Mr.P.Raja for R1

: Mr.R.Vivekanandan for R2
: R3 & R4-Not ready in notice

CRP.No.56 of 2025

Chinnaraji
S/o.P.V.Ganagachetty

... Petitioner(s)

Vs.

Venkatappan
S/o.Ganagachetty

... Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct for the early disposal of the application in I.A.No.1 of 2019 in O.S.No.29 of 2013, now pending on the file of the Subordinate Judge, Tirupattur, by allowing this Civil Revision Petition and to grant such other reliefs.

For Petitioner : Mr.S.Subbiah
Senior Counsel
for M/s.Elizabeth Ravi & Mr.P.Raja

For Respondent : Mr.R.Vivekanandan

COMMON ORDER

Heard, Mr.T.Sezhian, learned counsel for the petitioner in

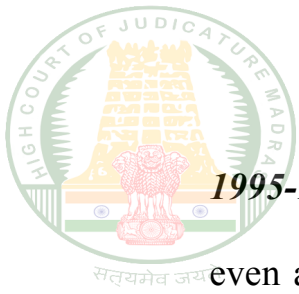


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CRP.No.1534 of 2024, Mr.R.Subbiah, learned senior counsel for the contesting respondent and Mr.R.Vivekanandan, learned counsel for the sole respondent in CRP.No.56 of 2025 and for the 2nd respondent in CRP.No.1534 of 2024.

2. The revision petitioner in CRP.No.1534 of 2024 is the unsuccessful applicant in I.A.No.3 of 2023, in and whereby she sought to implead herself in final decree proceedings in I.A.No.01 of 2019, which is filed pursuant to the preliminary decree in O.S.No.29 of 2013.

3. Mr.T.Sezhian, learned counsel for the petitioner in CRP.No.1534 of 2024 would submit that the petitioner being the sister of the plaintiff is entitled to share in the property that came to vest with the petitioner and the brothers, which was the subject matter of the preliminary decree in O.S.No.29 of 2013. He would take me through the plaint averments and also the affidavit filed in support of the application and would contend that the sister has a definite share in the property which is the subject matter of the partition suit. He, therefore states that the sister is a proper and necessary party to the final decree proceedings. He would also place reliance on the decision of this Court in *suo motu* revision in the case of **Janaki Vs. Annapoorani** reported in



1995-1-L.W.141, wherein, this Court exercising suo motu powers, without even any application passed orders, finding that there is fagrant violation of

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justice, which would result in miscarriage of justice, if not exercised.

Therefore, the learned counsel would state that no prejudice would be caused to the 1st respondent / Chinnaraj, if the petitioner is impleaded in the final decree proceedings and allowed to participate and agitate her right.

4. On the contrary, Mr.R.Subbiah, learned senior counsel for the 1st respondent would state that the petitioner has been set up by the brother, who litigated up to this Court and proceedings attained finality in the preliminary decree proceedings in O.S.No.29 of 2013. He would also invite my attention to the Judgment of this Court in S.A.No.749 of 2021 dated 15.07.2022 where, the respondent, in the second appeal, has specifically taken a plea that the sisters are proper and necessary parties, one amongst whom is the present revision petitioner and this Court specifically rejected the said contention on the ground that sisters have not taken any steps to implead themselves in the suit which indicates that they are not interested in the suit property. Learned senior counsel would also state that the present suit for partition has been filed based on the registered Partition Deed of the year 1985 and therefore, without even challenging the said partition deed, it is not open to the



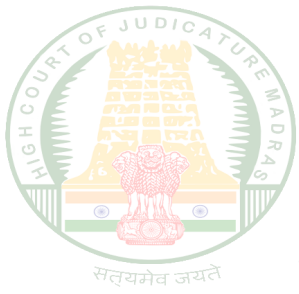
petitioner to seek to be impleaded. He would state that the trial Court has passed a well considered order and the same does not warrant interference.

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5. Learned counsel for the 2nd respondent would refute the arguments advanced by the learned senior counsel for the 1st respondent and state that he has no objection for the petitioner being impleaded.

6. Mr.S.Subbiah, learned senior counsel would place reliance on the order of the Hon'ble Supreme Court in the case of ***Vineeta Sharma Vs. Rakesh Sharma and Ors.*** reported in ***(2020) 9 SCC 1*** and would specifically lay emphasis on the concluding portions at paragraph no.137.4. The same is extracted hereunder for ready reference:

"137.4. The statutory fiction of partition created by the proviso to Section 6 of the Hindu Succession Act, 1956 as originally enacted did not bring about the actual partition or disruption of coparcenary. The fiction was only for the purpose of ascertaining share of deceased coparcener when he was survived by a female heir, of Class I as specified in the Schedule to the 1956 Act or male relative of such female. The provisions of the substituted Section 6 are required to be given full effect. Notwithstanding that a preliminary decree has been passed, the daughters are to be given



share in coparcenary equal to that of a son in pending proceedings for final decree or in an appeal."

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7. It is the further contention of Mr.S.Subbiah that the right was given to the daughters to be heard in pending final decree proceedings or in an appeal and the said conclusion cannot be taken advantage by the revision petitioner in the present case, since there is already disruption of the joint family and there is a registered Partition Deed in the year 1985.

8. I have gone through the order of the trial court. It is clear that the petitioner has not claimed any right in the suit property for the past 40 years and soon after dismissal of the second appeal filed by the 2nd respondent/Venkatappan, the impleading application has been taken out in the year 2023. I do not see how the presence of the petitioner is going to in any way assist the trial Court in adjudicating the final decree proceedings. The trial Court decree has not been challenged till date and as rightly contended by the learned senior counsel, the Partition Deed of the year 1985 is also not challenged. Therefore, the petitioner / daughter is not a proper and necessary party in the final decree proceedings. Therefore, I do not see any error or infirmity in the order of the trial Court and the same stands confirmed. In the



result CRP.No.1534 of 2024 is dismissed. No costs. Connected MP is closed.

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9. As far as CRP.No.56 of 2025 is concerned, the plaintiff who has filed the final decree application in I.A.No.1 of 2019, is the revision petitioner. He seeks expeditious disposal of the final decree proceedings. Considering that the preliminary decree came up to this Court in S.A.No.749 of 2021 and the suit itself was filed in the year 2013, I am inclined to direct the trial Court to dispose of the final decree application in I.A.No.1 of 2019 in O.S.No.29 of 2013, within a period of three months from the date of receipt of a copy of this order. Accordingly, the CRP.No.56 of 2025 stands disposed of. No costs. Connected MPs are closed.

14.08.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
veda

To
1.The Subordinate Judge, Tirupattur.



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CRP.Nos.1534 of 2024 & 56 of



P.B.BALAJI, J.

veda

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and
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14.08.2025