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C.R.P.(PD)NOS.2211 & 2212 OF 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 12 / 11 / 2025

ORDER DELIVERED ON: 28 / 11 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NOS.2211 & 2212 OF 2019

AND

C.M.P.NO.14326 OF 2019

IN C.R.P.(PD)NO.2212 OF 2019

Saranya
No.1/35, 1st Main Road,
Venkateswara Nagar, Ramapuram,
Chennai.

... Petitioner/
18th Respondent/
Proposed 18th Defendant
(in both CRPs)

Versus

1.Tamilselvi,
No.1/35, 1st Main Road,
Venkateswara Nagar, Ramapuram,
Chennai.

...1st Respondent/Petitioner/
Plaintiff

2.Paramasivam
Madha Koil Street, North Street,
Kazhumalam Village, Tirukoilur Taluk,
Villupuram District.

3.Annamalai,
No.50/16-A-401, Vettavalam Road,



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Tiruvannamalai.

4.Selvi,
Kulathur Village,
Tiruvannamalai Taluk.

5.Sekar,
No.166, Gandhi Road,
Vettavalam Village & Post,
Tiruvannamalai Taluk.

6.Ravichandran,
No.209, Dresser Garden,
Arcot Town, Vellore District.

7.Bank of Baroda,
Represented by its Branch Manager,
Tiruvannamalai Branch,
Vellore Road, Tiruvannamalai.

8.The Tahsildar,
Taluk Office, Tiruvannamalai.

9.Chakkaravarthi,
Tiruvalluvar Nagar,
Vettavalam Road, Tiruvannamalai.

10.Panneerselvam,
No.1/35, 1st Main Road,
Venkateswara Nagar, Ramapuram,
Chennai.

11.Vijayan,
No.24/9, Cross Street,
Perumal Nagar, Tiruvannamalai.

12.Rajendiran,
No.869, Kuttai Medu,



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Near Underground Drainage Purifying Centre,
Vettavalam Road Kilnathur,
Tiruvannamalai.

13. Anbalagan,
No. 869/170, Thiruvalluvar Nagar,
Bye Pass Road Corner,
Tiruvannamalai.

14. Amudha,
No. 88, Vettavalam Road,
Kilnathur, Thenpazani Nagar,
Tiruvannamalai.

15. Usharani,
No. 50/16-A-401, Vettavalam Road,
Tiruvannamalai.

16. Vijayakumar,
Salaiyanu Village,
Kalasapakkam Taluk.

17. Vignesh,
Salaiyanu Village,
Kalasapakkam Taluk.

18. Jagadeesh,
Salaiyanu Village,
Kalasapakkam Taluk.

... Respondents 2 to 18/
Respondents 1 to 17
Defendants 1 to 17
(in both CRPs)

PRAYER IN CRP.NO.2211 OF 2019: Civil Revision Petition filed

under Article 227 of the Constitution of India, 1950, praying to set aside



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the Fair and Decreetal Order dated April 25, 2019 made in I.A.No.48 of 2016 in O.S.No.26 of 2014 on the file of the Additional District Court, Tiruvannamalai.

PRAYER IN CRP.NO.2212 OF 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Fair and Decreetal Order dated April 25, 2019 made in I.A.No.41 of 2016 in O.S.No.26 of 2014 on the file of the Additional District Court, Tiruvannamalai.

For Petitioner in both CRPs	:	Mr.K.Venkatasubban for M/s.Saravabhauman Associates
For Respondents – 1 & 2 in both CRPs	:	Mr.Veeraraghavan for Mr.M.Balamurugan
For Respondent-4 in both CRPs	:	Not ready in notice
For Respondents-5 & 6 in both CRPs	:	Served – No appearance
For Respondents- 3, 7, 9 to 18	:	No appearance
For Respondent-8	:	Mrs.R.Anitha Special Government Pleader



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COMMON ORDER

WEB COPY Feeling aggrieved by the Orders passed in the Interlocutory Applications filed by the 1st Respondent/Plaintiff under Order I Rule 10 (2) and Order VI Rule 17 of 'the Code of Civil Procedure, 1908' ('CPC') in I.A.No.41 of 2016 and I.A.No.48 of 2016 respectively, both in O.S.No.26 of 2014 on the file of 'the Additional District Judge, Tiruvannamalai' [hereinafter referred to as the 'Trial Court'], the 18th Respondent/proposed 18th Defendant therein has filed these Civil Revision Petitions.

2.The 1st Respondent herein is the Plaintiff and the Respondents 2 to 18 herein are the Defendants 1 to 17 in the aforesaid Original Suit.

3.For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.

4.The Plaintiff filed a Suit for Partition in O.S.No.26 of 2014 on the file of the Trial Court. An extent of 32 cents within specified four boundaries in Town Survey No.233/9G, Block No.6, Ward No.4, Tiruvannamalai Town is the Suit Property. According to the Plaintiff, the



Suit Property is an ancestral Property and she claims that she has 7/42 share in the Suit Property. The Plaintiff also seeks the relief of declaration that the General Power of Attorney Deed dated November 10, 2018 executed by the 1st Defendant and 8th Defendant jointly in favour of the 2nd Defendant is null and void. The Plaintiff further seeks declaration that the Sale Deeds executed by the 2nd Defendant in favour of third parties pursuant to the alleged General Power of Attorney Deed, are null and void.

5.The proposed party, namely, Saranya is none other than the Plaintiff's brother's wife. The Plaintiff's brother is the 9th Defendant in the Suit. During the pendency of the Suit, the Plaintiff filed these two applications stating that an extent of 124.5 sq.mtr. - a house plot including RCC building in Town Survey No.209/1B, Block No.6, Ward No.4, Tiruvannamalai Town is also a Joint Family Property. The Plaintiff omitted to include the said Property. The Plaintiff's brother - Paneer Selvam (9th Defendant) obtained a Settlement Deed from the 1st Defendant (father of the Plaintiff) vide Settlement Deed dated February 24, 2009. Thereafter, the 1st Defendant cancelled the Settlement Deed vide



Cancellation Deed dated September 14, 2012. The 1st Defendant has no right to execute the Gift Settlement Deed in favour of the 9th Defendant. In turn, the 9th Defendant with a view to defeat and defraud the Plaintiff's right executed the Settlement Deed in favour of the proposed 18th Defendant, namely, Saranya. The 9th Defendant as well has no right to execute the Settlement Deed and said Settlement Deed is null and void. Hence, the proposed 18th Defendant is a necessary party to decide the Suit.

5.1. Further, the Property more fully described in the petition, i.e., Town Survey No.209/1B, measuring an extent of 124.5 sq.mtr. is to be included in the Suit. Accordingly, the Plaintiff filed two Interlocutory Applications.

6. In the said Interlocutory Applications, the first respondent had endorsed no counter. The 2nd Respondent therein filed counter and Respondents 9 to 17 therein adopted the same. Despite notice, the other Respondents/Defendants did not file counter and the proposed party/18th respondent also did not file counter and they were all set *ex parte*.



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7.The Trial Court after hearing both sides, held that to avoid multiplicity of proceedings and in the interest of justice, these applications are to be allowed and accordingly, allowed them.

8.Feeing aggrieved by the Order, the proposed party/18th Respondent has filed these Civil Revision Petitions.

9.Mr.K.Venkatasubban appearing for the Revision Petitioner submits that the Revision Petitioner is not a necessary party. The Property sought to be included in the Suit Property was purchased by Paramasivam (1st Defendant) and Chakkaravarthi (8th Defendant). The property is a separate and absolute Property of 1st Defendant, hence, he executed a Settlement Deed dated February 24, 2009 in favour of 9th Defendant (his son). In turn, the 9th Defendant executed a Settlement Deed dated September 02, 2011 in favour of the proposed party (Revision Petitioner/18th Respondent). The proposed party/18th Respondent filed a Suit in O.S.No.59 of 2013 on the file of the Principal Subordinate Court, Tiruvannamalai against the Plaintiff, Defendants 1 and 8 and the said Suit



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was decreed. Feeling aggrieved by the Judgment and Decree, the 3rd Defendant therein, who is the Plaintiff in the instant case has filed an Appeal Suit in A.S.No.53 of 2018 before the Principal District Judge, Tiruvannamalai and the same was dismissed on January 07, 2021. In these circumstances, the Properties sought to be included in the Suit had been declared in favour of the proposed party/Revision Petitioner. The Trial Court without considering the Judgment and Decree passed in O.S.No.59 of 2013 and confirmed in A.S.No.53 of 2018 erroneously allowed these Interlocutory Applications. Accordingly, he prayed to allow these Civil Revision Petitions and set aside the Orders passed in I.A.Nos.41 and 48 of 2016 and dismiss the same.

10.Per contra, Mr.Veeraraghavagan appearing for the Respondents 1 and 2 submits that the Property sought to be included in the Plaint is a Joint Family Property. The 1st Defendant cancelled the Settlement Deed dated February 29, 2009 vide Cancellation Deed dated September 14, 2012. The Original Suit in O.S.No.59 of 2013 on the file of the Principal Subordinate Judge, Tiruvannamalai was decreed in favour of the revision petitioner. The Plaintiff herein preferred an Appeal in A.S.No.53 of 2018



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on the file of the Principal District Judge, Tiruvannamalai and the same was dismissed. Feeling aggrieved with the Judgment and Decree of the Trial Court as well as the First Appellate Court, the Plaintiff herein has preferred a Second Appeal before this Court and the same is pending. In these circumstances, the Revision Petitioner's Suit has not attained finality. In such circumstances, to avoid multiplicity of proceedings and in the interest of justice, the proposed party/Revision Petitioner is a necessary party and the property sought to be included is also to be partitioned and the same is necessary to the Suit. Considering these aspects, the Trial Court has rightly allowed the applications and there is no warrant to interfere in it. Accordingly, he prayed to dismiss these Civil Revision Petitions and sustain the Order passed by the Trial Court.

11.This Court has considered submissions made by the learned counsel appearing on both sides, and perused the Complaint and other documents annexed with the case file.

12.The Revision Petitioner is none other than the Plaintiff's brother's wife. The 1st Defendant executed a Settlement Deed in respect of Town



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Survey No.209/1B in favour of 9th Defendant and in turn, the 9th Defendant executed a Settlement Deed in favour of the Revision Petitioner. The Revision Petitioner filed a Suit and the same was decreed in her favour, the First Appeal there against was also dismissed and the Second Appeal is pending. There is no dispute with these facts.

13.The title of the Revision Petitioner is subject to the result of the Second Appeal, which is pending before this Court. In these circumstances, the Revision Petitioner is a necessary party and the Property sought to be included viz., Town Survey No.209/1B to an extent of 124.5 sq.mtr. within specified four boundaries is necessary to be included in the Suit. With a view to avoid multiplicity of proceedings and in the interest of justice, the Trial Court allowed these applications.

14.In case, the Revision Petitioner succeeds in the Second Appeal, the Partition Suit in respect of the proposed 18th Defendant/Revision Petitioner as well as *qua* the Property sought to be included by way of this Interlocutory Application will be dismissed. Therefore, no prejudice will be caused if the Petitions are allowed. Hence, this Court does not find any



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irregularity or illegality in the Order passed by the Trial Court. Hence, this Court is inclined to dismiss the Civil Revision Petitions.

15. In the result, the Civil Revision Petitions are dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To
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The III Assistant Judge, City Civil Court,
Chennai.



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R. SAKTHIVEL, J.

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PRE-DELIVERY COMMON ORDER MADE IN
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