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CRP NO. 3561 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11-08-2025**

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 3561 of 2025 and CMP No.19184 of 2025

Ramasubramaniam

Petitioner

Vs

1. Sundari

2. Premalatha

3. Kalaiselvi

4. M.Ravi

5. K.Selvam

Respondents

Revision filed under Article 227 of Constitution of India against the fair and final order dated 13.02.2025 made in I.A.No.1 of 2024 in O.S.No.397 of 2021 on the file of II Additional District Court, Salem.

For Petitioner : Mr.D.Sathya

ORDER

The revision petitioner/1st defendant in O.S.No.397 of 2021 had filed an application in I.A.No.1 of 2024 to implead the tenants as defendants 3 and 4 in a suit for partition. The said application was dismissed by the trial Court, as against which, the present revision has been filed.

2. Learned counsel for the revision petitioner/1st defendant would state



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suit.

that the first defendant is also entitled to a share in the rent and therefore it is proper and necessary that the tenants are also impleaded as defendants in the suit.

3. Learned counsel for the revision petitioner/first defendant would also state that Manickam, father of the revision petitioner executed a Will and the Will is being suppressed by the plaintiffs. If at all the revision petitioner/first defendant claims under any Will, it will be the defence of the revision petitioner/1st defendant in the suit for partition. Even assuming that the revision petitioner/1st defendant is entitled to the entirety of the rents, even then, the tenants are not proper and necessary parties in a suit for partition which is filed only to adjudicate the rights of the legal representatives of the deceased Manickam.

4. I do not find any error or infirmity in the order of the trial court in dismissing the application for impleading the tenants as defendants in the suit.

5. In the result, the civil revising petition is dismissed. However, it is made clear that it shall be open to the first defendant to examine the tenants as witnesses on his side at trial.



No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

To

II Additional District Court, Salem



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P.B.BALAJI.,J.

Sr

CRP No.3561 of 2025

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