



C.R.P.No.685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.685 of 2025
C.M.P.No.3879 of 2025

1.Vasantha

2.Subha

...Petitioners

Vs

1.Shanthi

2.Illanchzhian

3.Sharmila

4.Jayachandran

5.Shakila

6.Prabhakaran

7.Aravindhan

8.Tahsildar
Tahsildar Office
Tirupathur.

9.District Collector
District Collector Office
Tirupathur,
Tirupathur District.

...Respondents



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PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to setting aside the order dated 03.08.2024 made in I.A.No.2 of 2023 in O.S.No.221 of 2022 on the file of the Principal District Munsif Court, Tirupathur, Tirupathur District.

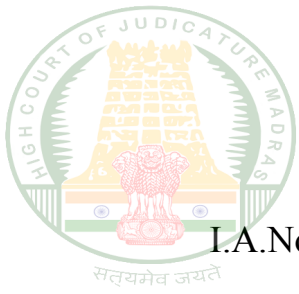
For Petitioner : Mr.S.Sarath Kumar for
Mr.P.Gopiraja
For Respondents : R.Siddharth,
Additional Government Pleader
(For R8 and R9)

ORDER

Challenging the impleadment of the first respondent in the suit O.S.No.221 of 2022, the plaintiffs are before this Court.

2.The short facts are as follows:-

The suit O.S.No.221 of 2022 in which the implead petition I.A.No.2 of 2023 had been filed is a suit filed by plaintiffs on the file of the learned Principal District Munsif, Tirupathur, for declaring that plaintiffs and defendants 1 to 6 are the legalheirs of C.M.Shankar who had passed away on 28.05.2021. The first respondent herein had filed

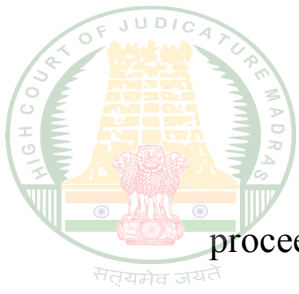


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I.A.No.2 of 2023 seeking to implead herself by contending that she is the first wife of the deceased C.M.Shankar. She would further submit that the first plaintiff is only the second wife of the deceased C.M.Shankar. The application was opposed by the plaintiffs. Ultimately, the learned Judge allowed the application by stating that the first respondent was proper and necessary party in the suit for declaring the heirs of the deceased C.M.Shankar. Challenging the same plaintiffs are before this Court.

3.Heard the learned counsel for the petitioners and Mr.R.Siddharth, the learned Additional Government Pleader for R8 and R9 and perused the records.

4.As rightly pointed out by the learned Judge the first respondent has filed the implead petition contending that she is the first wife of the deceased Shankar and therefore his legal heir and the first plaintiff is only the second wife. This is an issue which is to be decided during the trial and therefore it is necessary to implead the first respondent who claims to be the first wife. Parties have to establish their rights during the trial and the same can be proved only if they are made parties to the



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proceedings. In the light of the defence taken out by the first respondent,

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it is clear that she is claiming her right to the properties of the said Shankar. Therefore, in order to avoid multiplicity of proceedings and to get a comprehensive judgment, the presence of the first respondent is essential and the learned Judge has rightly allowed the application. I see no reason to interfere with the same.

5.The Civil Revision Petition is therefore dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

20.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

The Principal District Munsif Court,
Tirupathur, Tirupathur District.



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