



WEB COPY

CRP.No.4261 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:29.10.2025

Pronounced on: 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.4261 of 2025
and CMP. No.21878 of 2025**

- 1.Mr.R.Subramani
- 2.Mr.R.Raja
- 3.Mrs.Megala
- 4.Mrs.Semala
- 5.Mrs.R.Akila
- 6.Mr.Rajendran

Petitioner(s)

Vs

- 1.Mr.S.B.Krishnan
2. Mrs.R.Sasikala
3. Mr.Murugaian
4. Mr.Ramu
5. Mr.Nanjil Prasad

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.08.2025 in I.A. No.2 of 2024 in I.A. No.1 of 2021 in O.S. No.5585 of 2006 passed by the III Additional Judge, (FAC) II Additional Judge, City Civil Court at Chennai.



WEB COPY

CRP.No.4261 of 2025



For Petitioners : Mr.A.M.Krishnamoorthy

For Respondents : Mr.K.D.Arun Kumar for R1

ORDER

The revision petitioners are the plaintiffs in a suit for partition and permanent injunction. The first respondent filed an Application seeking his impleadment in the final decree proceedings. The Trial Court entertained the said application and aggrieved by the same, the plaintiffs, as revision petitioners, are before this Court.

2. I have heard Mr.A.M.Krishnamoorthy, learned counsel for the revision petitioners and Mr.K.M.Arunkumar, learned counsel for the contesting first respondent.

3. The learned counsel for the petitioners would first and foremost contend that the suit was filed for partition way back in the year 2006 and preliminary decree was passed on 19.06.2007. Subsequently, a final decree application in I.A. No. 1 of 2021 was also filed and an Advocate Commissioner has been appointed and a report has also been filed. Pending the said final decree proceedings, the first respondent has sought to implead himself in the final decree proceedings and according to the



learned counsel for the petitioners, the Application has been filed after 19 years and without challenging the preliminary decree, there is no purpose in getting himself impleaded in the final decree proceedings. He would therefore contend that the order of the Trial Court is contrary to law and liable to be set aside.

4. Per contra, learned counsel appearing for the first respondent would submit that the first respondent is the owner of the suit property and fraud has been played upon by the parties to the suit. The first respondent claims that he has purchased the suit property by registered sale deeds dated 29.11.2013 and 12.08.2014 and on the strength of fabricated documents, the petitioners have filed the suit for partition. It is also the contention of the first respondent that he has already filed a suit in O.S. No.448 of 2015 for permanent injunction and the same is pending. It is the further contention of the learned counsel for the respondent that the Court in which the suit for partition has been filed has no territorial jurisdiction and rightly, the Trial Court finding that there are some malafide motives on the part of the parties to the suit for partition, has allowed the application. He would therefore pray that no interference is warranted in the revision.



WEB COPY

5. I have carefully considered the submissions advanced by the learned counsel on either side.

6. Admittedly, the suit is for partition and separate possession and also for the relief of permanent injunction. The first respondent is a total stranger to the family of the parties to the *lis* in the suit for partition. In fact, a preliminary decree has been passed as early as in 2007 and the same has become final. Subsequently, final decree application filed in 2021 is also pending and at the fag end of the proceedings, where the Commissioner has also filed his report, the application to implead the first respondent in the final decree proceedings came to be filed. The limited scope of enquiry in an application for impleadment is only to find out whether the party seeking impleadment is a proper and necessary party to adjudicate the issues arising in the suit. Even according to the learned counsel for the first respondent, he is a stranger to the family of the plaintiffs and the defendants in the suit. It is his case, setting up an independent title to the suit property, that the first respondent's property is being snatched away and the parties are attempting to play a fraud upon him. In order to decide the final decree application which is in pursuance of the preliminary decree already passed and having become



final, the presence of the first respondent is neither necessary nor proper.

WEB COPY

7. Even according to the first respondent, even in the year 2015, he has filed a suit for permanent injunction against the plaintiffs. While being so, it is not known why the first respondent sought impleadment, that too, only in the final decree proceedings in the year 2024. The Trial Court has misdirected itself and without testing the application of the first respondent under Order I, Rule 10 of the CPC has been carried away by allegations of fraud etc., and proceeded to order impleadment. As already found, if at all, the first respondent has any independent right or claim to the suit property, it is always open to the first respondent to work out his remedy in a manner known to law and his presence in the final decree proceedings is not going to add any value for adjudication of the issues that are arising in the said final decree proceedings.

8. In the light of the above, I am inclined to set aside the order of the Trial Court in I.A. No.2 of 2024 in I.A. No.1 of 2021 in O.S. No.5585 of 2006 passed by the III Additional Judge, (FAC) II Additional Judge, City Civil Court at Chennai.



CRP.No.4261 of 2025

WEB COPY

9. In fine, the Civil Revision Petition is allowed. However, liberty is granted to the first respondent to work out his remedy independently, in a manner known to law. Consequently, connected Miscellaneous Petition is closed. No costs.

07.11.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The III Additional Judge, (FAC) II Additional
Judge, City Civil Court at Chennai



WEB COPY



CRP.No.4261 of 2025

P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.4261 of 2025
and CMP. No.21878 of 2025

07.11.2025