



C.R..P.(PD)(MD).No.481 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.481 of 2022
and
C.M.P.(MD)No.2146 of 2022

Rajabunisha

...Petitioner

Vs.

1.Mohamed Hasan

Chidhambarathar (died)

2.Mohamed Farook

3.Ahamed Maraikayar

4.Faisal Mohamed

5.Rahmed Ali

6.Ayubkhan

7.Sasikala

Halima Ammal (died)

8.Havvah Ammal

9.Hajirah Ammal

10.Subaitha Ammal

11.State of Tamil Nadu through
The District Collector,
Office of the Collectorate,
Pudukkottai District.

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12.The Tahsildar,
Office of Tahsildar,
Manamelkudi and Taluk,
Pudukkottai District.

13.Salka Ammal
14.Syed Ali Fathima
15.Naina Mohamed
16.Janu Begum
17.Kansul Mahriba
18.Rajali Banu
19.Gokila
20.Thangarasu
21.Thilagavathi
22.Ravichandran
23.Jahir Hussain
24.Sensa Beevi
25.Mohamed Ibrahim
26.Jagubar
27.Saburammal
28.Mahabunisha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the fair and decreetal order dated 14.12.2021 made in I.A.No.48 of 2020 in A.S.No.142 of 2017 on the file of the Sub Court, Aranthangi.

For Petitioner	: Mr.T.Antony Arul Raj
For R3 & R6	: Mr.A.Haja Mohideen
For RR1, 9 & 22	: Mr.V.Selvakumar
For R11 & R12	: Mr.P.T.Thiraviyam
	Government Advocate
For R15	: No Appearance



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ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 14.12.2021 made in I.A.No.48 of 2020 in A.S.No.142 of 2017 on the file of the Sub Court, Aranthangi.

2.The petitioner is the plaintiff in O.S.No.66 of 2009 on the file of the District Munsif Court, Aranthangi, filed for declaration, injunction and recovery of possession. The said suit was dismissed on 31.08.2017. Against the said judgment and decree, the petitioner preferred an appeal before the lower Appellate Court in A.S.No.142 of 2017. In that appeal, the petitioner filed an application in I.A.No.48 of 2020 to implead the proposed respondents as one of the respondents. The said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the petitioner questioned the title of the property. Whereas the original defendants filed a written statement stating that the father of the petitioner has two wives and the petitioner is the second wife's daughter. However, the legal heirs of the



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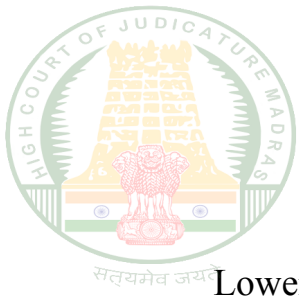
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first wife of the petitioner's father were not impleaded in the suit. Hence, the petitioner filed an application to implead the legal heirs of the first wife of the petitioner's father. The trial Court without considering the same, dismissed the said application.

4.Per contra, the learned counsel for the respective respondents submitted that the petitioner claims title over the subject property as if she acquired title from her father. If it is so, it is for the petitioner to establish the same by adducing proper evidence. Instead, seeking impleadment of the proposed respondents in the appeal stage is not necessary. The trial Court has rightly dismissed the said petition and the same need not be interfered with.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.The facts in the present case are not in dispute. Admittedly, the petitioner/plaintiff filed a suit for declaration, permanent injunction and recovery of possession. The said suit was dismissed. As against the said decree and judgment, the petitioner has also preferred an appeal before the



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Lower Appellate Court. Now in the appeal stage, the petitioner has filed this application seeking impleadment of the proposed respondents. Mere filing of the written statement filed by the defendants, will not give any rights to the plaintiff to implead some persons as parties to the proceedings, who are really not a proper or necessary party to the suit proceedings. The suit is filed by the petitioner for declaration of title. In a declaration suit, the petitioner has to establish her title only by adducing proper evidence. The trial Court has considered all these aspects and dismissed the petition filed by the petitioner. The said order need no interference.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Sub Court, Aranthangi
 - 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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