

CRP(MD). No.1570 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1570 of 2025
and CMP(MD) No.8106 of 2021**

1.Mayilathal
2.Gayathri
3.Manikandan

... Petitioners

Vs

1.A.Nachammal
2.A.Chinnakaruppasamy
3.K.Selvi
4.A.Raju
5.A.Karuppusamy
6.K.Vellaithai

... Respondents

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 25.09.2024 passed in IA No.33 of 2021 in OS No.192 of 2020 on the file of Additional District Court, (Fast Track Court), Palani



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For Petitioners : Mr.T.Leninkumar
For Respondents : Mr.D.Venkatesh for R2 to R4
Mr.C.Abul Kalam Azad for R5&R6

ORDER

The Civil Revision Petition is filed against the fair and decreetal order passed in IA No.33 of 2021 in OS No.192 of 2020 on the file of Additional District Court, (Fast Track Court), Palani.

2. The petitioners are third parties to the suit in OS No.192/2020. The said suit was instituted by the respondents 1 to 4/plaintiffs for partition and for declaration to declare the settlement deed as null and void and for the very same property, the petitioners have instituted a suit in OS No.43/2021 for the very same relief, wherein, the respondents herein have been arrayed as defendants. However, in the suit in OS No. 192/2020, the petitioners have not been impleaded as parties and hence, the petitioners filed interlocutory application in IA No.33/2021 for impleading them as parties to the suit. However, since the same has been dismissed, the petitioners are before this Court.

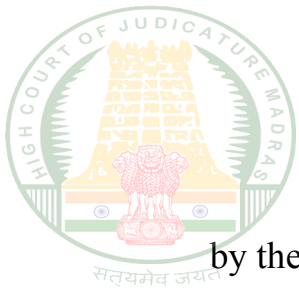


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3. The learned counsel for the petitioners would submit that the petitioners are third parties in OS No.192/2020. The said suit was instituted by the legal heirs of Ayeeeyappa Gounder for partition and consequently for the relief among the legal heirs of Ayeeeyappa Gounder. Ayeeeyappa Gounder is the brother of Kandasamy Gounder. As legal heirs of Kandasamy Gounder, the petitioners filed a suit in OS No. 43/2021 for the very same relief to that of OS No.192/2020 by impleading the legal heirs of Ayeeeyappa Gounder as defendants and the petitioners herein filed interlocutory application for impleading themselves in the suit in OS No.192/2020 and the same was dismissed on the ground that the petitioners are not interested and necessary parties. Challenging the same, the petitioners are before this Court.

4. Heard the learned counsel for the respondents on the above submissions of the learned counsel for the petitioners.

5. The learned counsel for the petitioners and the learned counsel for the respondents, on instructions, would submit that this Court may issue a direction to the trial Court to allow the impleading petition filed



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by the petitioners and a direction may also be issued to dispose of the suit by conducting joint trial. The learned counsel for the petitioners would further submit that there is no need for filing separate written statement, as the petitioners have already filed written statement in OS No.43/2020.

6. Since both the suits filed by the parties are for the same relief and the properties involved in the said suit and the parties are one and the same, this Civil Revision Petition is allowed and the order of the trial Court dated 25.09.2024 in I.A.No.8106 of 2021 is set aside. The trial Court is directed to implead the petitioners as parties to the suit in OS No.192/2020 and the trial Court is also directed to dispose of both the suits by conducting simultaneous trial. No costs. Consequently connected Miscellaneous Petition is closed.

24.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Additional District Court, (Fast Track Court), Palani

2.VR Section

Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.1570 of 2025**

Date : 24/06/2025