



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

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CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1758 of 2025

and

C.M.P.(MD).No.9588 of 2025

1.Sangu Krishnan

2.Adhinarayanan

3.Chellavadivu

4.Sivalingammal

5.Annapitchai

6.Nandhagopal

7.Narayanavadivu

8.Arigopal

9.Arilingam

...Petitioners

Vs.

Mudisudumperumal (died)

1.Adhinarayanaguru

2.Kuttinadar @ Anandhakutti

3.Sankaravadivu

4.Amutha



5.Rajeswari

6.Minor Sivathresh

(Minor 6th respondent duly represented by his mother and natural guardian fifth respondent)

7.Jeyabal

8.Maheswaran

9.Selvakani

10.Suganthi

11.Vaigundaperumal

12.Samikutty

...Respondents

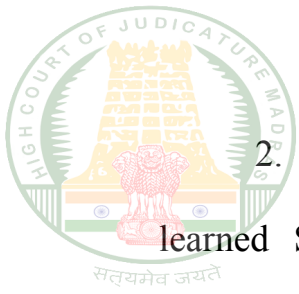
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 07.03.2025 made in I.A.No.1 of 2022 in O.S.No.42 of 2022 on the file of the learned Sub Judge, Valliyoor and allow the Civil Revision Petition.

For Petitioners : Mr.V.Sasikumar

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ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 07.03.2025 made in I.A.No.1 of 2022 in O.S.No. 42 of 2022 on the file of the learned Sub Judge, Valliyoor.



2. The petitioners herein filed a suit in O.S.No.42 of 2022 before the learned Sub Judge, Valliyoor, seeking declaration that the suit schedule property belongs to the petitioners and respondent Nos.7 to 12, based on a sale deed executed in favour of their ancestor, Adhinarayana Nadar. Pending suit, respondent Nos.1 to 6 filed an application in I.A.No.1 of 2022 under Order I Rule 10 CPC to implead themselves as parties to the suit.. The trial Court allowed the application in their favour. Aggrieved by the said order, the present Civil Revision Petition has been filed.

3. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

4. The learned counsel for the petitioners would submit that respondent Nos.1 to 6 are not necessary parties to the suit as the dispute is purely among the legal heirs of Adhinarayana Nadar. He further submitted that the petitioners have not sought any relief against respondent Nos.1 to 6, and therefore, their impleadment is unwarranted.

5. However, it is seen from the records that the petitioners have claimed ownership over 5.6 cents in Survey No.1513, whereas respondent Nos.1 to 6 claim that the total extent of Survey No.1513 is only 4.92 cents, out of which their predecessors, namely Madhoosoodhana Perumal and Dhamodharan, had



purchased a portion. Thus, there appears to be an overlap or conflict in the extent and ownership of the suit property, which may directly affect the rights of respondent Nos.1 to 6.

6. Even if the petitioners consider respondent Nos.1 to 6 as unnecessary parties, the trial Court has rightly observed that any adjudication on the suit schedule property without hearing the claims of respondent Nos.1 to 6 may result in prejudice to them. Therefore, their presence is necessary for a complete and effective adjudication of the dispute.

7. In view of the above, this Court finds no error or infirmity in the order passed by the trial Court allowing the impleading petition.

8. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

26.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Sub Judge, Valliyoor.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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