



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1449 of 2022

and

C.M.P.(MD)No.6004 of 2022

M.Thiyagarajan

...Petitioner

Vs.

1.M.Gunasekaran

2.Kanagavalli

3.Ramya

4.Minor Swedha

5.Minor Suruthi

6.Minor Shanmugapriyan

(Minor Nos.4 to 6 are represented by their mother / guardian / the third respondent)

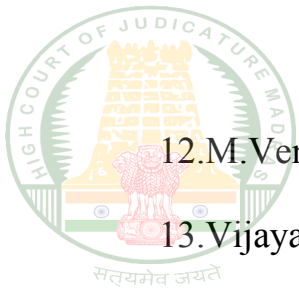
7.Kalarani

8.Karthik

9.Karthika

10.M.Kumar

11.Radha @ Vasantha



12.M.Venkatachalam

13.Vijayalakshmi

14.Sachin Kumar

15.V.Amuthavalli

16.Vasanthakokilam @ Vasantha

17.Sridharan

18.Sharmila

19.Jayabalan

20.N.R.Karunakaran

21.K.Narmatha

22.Lazer

23.J.Murugan

24.G.Madhumitha

25.V.Govindaraj

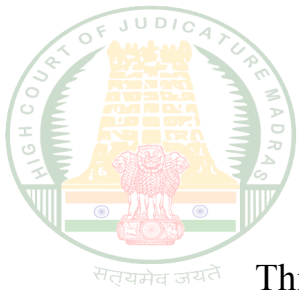
26.V.K.Rengaraj

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 13.12.2021 passed by the learned II Additional District and Sessions Judge, Thanjavur made in I.A.No.1 of 2020 in O.S.No.63 of 2017 by allowing this Civil Revision Petition.

For Petitioner : Mr.C.Arulvadivel @ Sekar

For Respondents : No Appearance



ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 13.12.2021 passed by the learned II Additional District and Sessions Judge, Thanjavur in I.A.No.1 of 2020 in O.S.No.63 of 2017.

2. The petitioner filed a suit in O.S.No.63 of 2017 before the learned II Additional District and Sessions Judge, Thanjavur, against respondents 1 to 14, seeking partition of 1/5th share in the suit properties. During the pendency of the suit, the petitioner filed an interlocutory application in I.A.No.1 of 2020 under Order I Rule 10 CPC to implead respondents 15 to 26 as additional parties. The trial Court dismissed the said application on 13.12.2021. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The petitioner and respondent Nos.1, 10, and 12, along with one Rajendran, are siblings born to Mani Thanjirayar and Prahadhammbal. Rajendran predeceased his parents on 04.05.1994, leaving behind respondent Nos.7 to 9 as his legal heirs. The petitioner's father died on 05.05.2013 and his mother died on 15.04.2017. Respondent Nos.1 and 2 are husband and wife, and their son Senthilkumar (deceased on 11.12.2014) left behind respondent Nos.3 to 6. Respondent No.11 is the wife of respondent No.10, respondent No.13 is the wife of respondent No.12, and respondent No.14 is their son.



4. The petitioner contends that certain suit properties were acquired in the names of family members, including their parents, from the joint efforts and contributions of the petitioner and respondent Nos.10 and 12. However, respondent No.10 allegedly attempted to appropriate valuable properties by influencing the other respondents and their parents, leading to the execution of a family arrangement dated 18.01.2007, which the petitioner claims was obtained under coercion. It was represented to him that the arrangement was preliminary in nature and would be followed by a proper registered partition deed. Instead, respondent 10 sought to treat the document as a record of an oral partition, though no such oral partition ever occurred.

5. It is further alleged that respondent No.10 instigated respondent Nos.1 and 2 and their son to file a suit in O.S.No.251 of 2009 before the District Munsif Court, Thanjavur, seeking a declaration in respect of the said family arrangement. That suit is still pending.

6. The petitioner filed the present partition suit in 2017 and, during trial, sought to implead respondent Nos.15 to 26, claiming they had either directly or indirectly dealt with family properties.

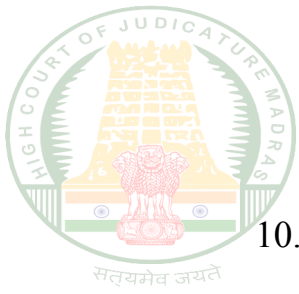
7. The learned counsel for the petitioner submitted that respondent No.15 is the petitioner's sister, respondent No.16 is the second wife of respondent No.



10, respondent Nos.17 and 18 are the son-in-law and daughter of respondent No.10, respectively. Some of the properties were allegedly purchased benami in the name of respondent No.15's husband, Vadivelu, who later died, leaving behind respondent No.15. The said Vadivelu allegedly executed power of attorney deeds at the instance of respondent No.10, enabling the alienation of properties in favour of respondent Nos.19 to 24. Out of the joint family money, respondent No.25 is the manager of the above said Company and he is the benami of respondent No.10 and respondent No.26 is one of the debtor of the said Finance Company. These facts, according to the petitioner, were discovered only after the filing of the suit.

8. However, the trial Court dismissed the application, holding that the alleged transactions occurred prior to 2017. Respondent No.15's husband had predeceased the suit filing. The petitioner, who is already a party in O.S.No.251 of 2009, failed to take steps for impleadment at the appropriate time. The proposed parties are not necessary or proper parties for the present partition suit, as they are strangers to the family and the transactions have no bearing on the core issue of partition. The delay in filing the application after nearly three years of instituting the suit also weighed against the petitioner.

9. Though the names of the respondents have been printed in the cause list, none appears on behalf of them.



10. Considering the pendency of the case, this Court perused the records and disposed of this Civil Revision Petition.

11. Upon careful consideration, this Court finds that the trial Court has rightly appreciated the facts and law. The impleadment of purchasers or individuals connected with a finance company, absent any direct and substantial interest in the family partition, is unwarranted. The application lacks bona fides and was rightly dismissed.

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

03.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The II Additional District and Sessions Judge, Thanjavur.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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