



CRP(MD). No.1672 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.1672 of 2025

1. N.Jeyaraj,

2. R.Sethu

... Petitioners

Vs

1. Nallaponnu

2. Ponnammal

3. Alagu

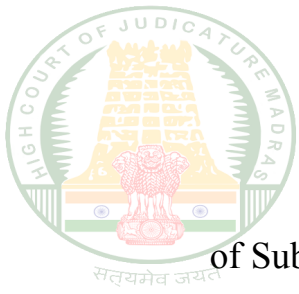
4. Kumar

5. Founder Rajendran C.R.Engineering College,
S/o.Late. Rajendran, D.No.34, Ganesapuram,
K.Pudur, Madurai Town..

6. R.Vedharajan,
(C.R.Anand Education Trust Founder /Managing Trustee)
D.No.34, New Door.No.45,Ganesapuram, K.Pudhur,
Madurai-7.

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 05.04.2025 passed in I.A.No.2 of 2023 in O.S.No.103 of 2022 on the file



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of Sub Court, Melur.

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For Petitioners : Mr.M.P.Senthil

For Respondents : M/s.A.Tamilarasi for R1

Mr.R.Venkatesan for R2 to R4

No appearance for R5&R6

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 05.04.2025 passed in I.A.No.2 of 2023 in O.S.No.103 of 2022 on the file of Sub Court, Melur.

2. The learned counsel for the petitioners would submit that the petitioners are the defendants and the first respondent/plaintiff filed a suit in OS No.103/2022 for partition against the defendants, in which, he has also filed IA No.2/2023 for impleading the 7th defendant/6th respondent as one of the party respondent in the suit under Order I Rule 10 of the Code of Civil Procedure. The learned counsel would submit that the petitioners have no serious objection with regard to the impleadment of the 6th respondent/7th defendant in the suit. However, their grievance is that while allowing the said application, the trial Court has made an observation as if in the petitioners counter affidavit, it has been shown



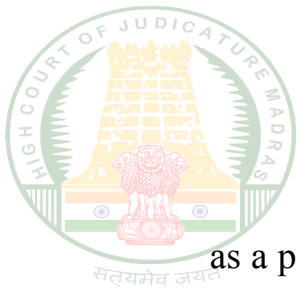
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that the 7th defendant is in possession of the suit property. Such an observation made by the trial Court will infringe the rights of the petitioners/defendants during trial before the trial Court. He would further submit that the counter affidavit reveals that the petitioners/defendants 5 and 6 are in possession and enjoyment of the suit property, whereas the trial Court has made the suit property is in possession of the impleaded 7th defendant, which is to be expunged.

3. The learned counsel for the respondents 1 to 4 however contended that the 7th defendant is the Managing Trustee of the Engineering College and still the college is functioning. Hence, the trial Court has observed that the 7th defendant is in possession of the property, which needs no interference.

4. I have considered the rival submissions and perused the materials available on record.

5. The first respondent/plaintiff filed the suit for partition and he has also filed an application to implead the 6th respondent/7th defendant



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as a party respondent in the suit, which was allowed. While allowing the petition, it is the grievance of the petitioners that though the petitioners purchased the suit property and were in possession of the same, in the interlocutory application for impleadment, the trial Court has made an observation that the suit property is in the possession of the 6th respondent/7th defendant. The petitioners have no objection for impleading the 7th defendant, however, they are aggrieved by the remarks made by the trial Court. Therefore, the observation with regard to 7th respondent is in the possession of the property is expunged. Accordingly, the Civil Revision Petition is disposed of. No costs.

08.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Sub Court, Melur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.

M.DHANDAPANI,J



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RR

**ORDER
IN
CRP(MD) (NPD) No.1672 of 2025**

Date : 08/07/2025