



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1772 of 2025

and

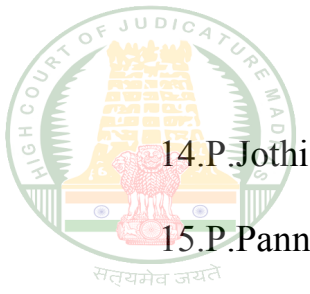
C.M.P.(MD).No.9656 of 2025

Jeya Ravi Chelladurai

...Petitioner

Vs.

- 1.Thangapalam
- 2.Kasthuri Bai
- 3.Susila
- 4.Vasanthi Jeyarani
- 5.Suganthi Maragatham
- 6.Sundari
- 7.Rani
- 8.Jeeva Ammal
- 9.David Ponraj
- 10.Inbaraj
- 11.Sankarraaj
- 12.Yesuraj
- 13.P.Chellakili



14.P.Jothi

15.P.Panneer Selvi

16.P.Natarajan

17.P.Uma @ Umavathi

18.P.Dhanaraj

19.P.Eazhi Arasi

20.Fathima

21.V.Alex Johnraj

22.V.K.M.Syed Sulthan Ariba

23.M.Aprose

S.K.Jarin (Died)

24.Rajammal

25.Sulthana

26.Samsubegam

27.Kutha Mohammed

28.Hassan Baisal

29.Nasrin Chithara

30.Habib Rahman

31.Jeyaseli Stella Bai

32.Jeya Joys Papa

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for records relating to the decree and judgment dated 12.02.2025



in I.A.No.11 of 2024 in O.S.No.109 of 2016 passed by the Principal Subordinate Court, Tirunelveli and set aside the same by allowing this petition.

WEB COPY

For Petitioner : Mr.V.Prakash

* * * * *

ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 12.02.2025 made in I.A.No.11 of 2024 in O.S.No. 109 of 2016 on the file of the learned Principal Subordinate Judge, Tirunelveli.

2. The petitioner herein filed a suit in O.S.No.109 of 2016 before the learned Principal Subordinate Judge, Tirunelveli, seeking partition against the respondents. Pending suit, the petitioner filed an application in I.A.No.11 of 2024 under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure to implead the proposed respondents 32 and 33 as defendants in the suit. However, the said application was dismissed by the trial Court on 12.02.2025. Aggrieved by the same, the present Civil Revision Petition has been filed.

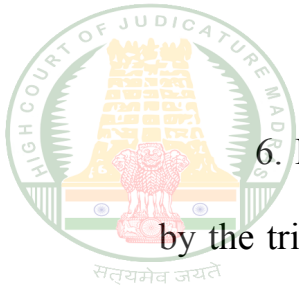
3. The learned counsel for the petitioner submitted that at the time of filing the suit, the petitioner believed that respondents 32 and 33 were not necessary parties, as it was presumed that they had orally relinquished their share in favour of the petitioner. The proposed respondents 32 and 33 are none



other than the sisters of the petitioner. However, upon further consideration, the petitioner believed that their presence was necessary for effective adjudication of the suit. The learned counsel further submitted that if the proposed parties are not impleaded, the suit may be dismissed later for non-joinder of necessary parties. Hence, the learned counsel contends that the order of the trial Court is not legally sustainable and prays for allowing the Civil Revision Petition.

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

5. Admittedly, the petitioner is the plaintiff in O.S.No.109 of 2016 and has filed the application to implead respondents 32 and 33 as defendants in the suit, stating that they are the sisters of the petitioner and necessary parties in the suit for partition. The petitioner had earlier omitted to implead them on the belief that they had orally relinquished their shares. However, the trial Court rightly observed that no one can be compelled to be added as a party to a suit unless such person voluntarily seeks to come on record or unless the Court finds that their presence is absolutely necessary for a proper and complete adjudication of the dispute. In the present case, the suit is now posted for arguments, and the application to implead additional parties appears to be belated and an attempt to delay the proceedings.



6. In view of the above, this Court finds no infirmity in the order passed by the trial Court. Accordingly, the 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 Principal Sub Court, Tirunelveli.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



WEB COPY

C.R.P.(PD)(MD)No.1772 of 2025



M.DHANDAPANI, J.

TSG

C.R.P.(PD)(MD)No.1772 of 2025

26.06.2025