



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.1743 & 1744 of 2025

and

C.M.P.(MD).Nos.9444 & 9445 of 2025

C.R.P.(MD).No.1743 of 2025

Padma Netre

...Petitioner

Vs.

1.P.Subramani

2.P.Ramalingam

3.S.Geetha

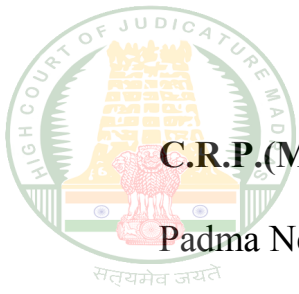
4.Bank of India,
Represented by its Senior Branch Manager,
No.23, Senguthapuram,
1st Cross Karur Town,
Karur Taluk.

5.Minor Iniyal

6.Suguna

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 29.04.2025 passed in I.A.No.14 of 2025 in O.S.No.12 of 2019 on the file of the learned Additional District Court (FTMC), Karur, by allowing this Civil Revision Petition.



C.R.P.(MD).No.1744 of 2025

Padma Netre

...Petitioner

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Vs.

1.P.Subramani

2.P.Ramalingam

3.S.Geetha

4.Bank of India,
Represented by its Senior Branch Manager,
No.23, Senguthapuram,
1st Cross Karur Town,
Karur Taluk.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 29.04.2025 passed in I.A.No.15 of 2025 in O.S.No.12 of 2019 on the file of the learned Additional District Court (FTMC), Karur, by allowing this Civil Revision Petition.

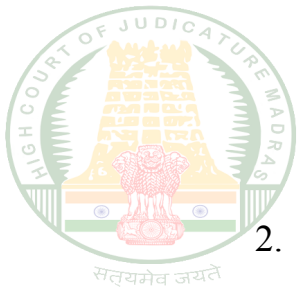
For Petitioner : Mr.P.Samuel Gunasingh
(in both petitions)

For R-4 : Mr.C.Karthick
(in both petitions)

* * * * *

COMMON ORDER

These Civil Revision Petitions have been filed seeking orders to set aside the fair and decreetal order dated 29.04.2025, passed in I.A.Nos.14 and 15 of 2025 in O.S.No.12 of 2019, on the file of the learned Additional District Court (Fast Track Mahila Court), Karur.



2. Since no adverse orders are going to be passed against the private respondents in both these petitions, notice to the private respondents is dispensed with.

3. The petitioner and another person filed a suit in O.S.No.12 of 2019 before the learned Fast Track Mahila Judge, Karur, seeking partition and permanent injunction against respondent Nos.1 to 4. During the pendency of the suit, the petitioner filed interlocutory applications in I.A.No.14 of 2025 under Order I Rule 10(2) read with Section 151 of the Civil Procedure Code (CPC) to implead the respondents herein in C.R.P.(MD).No.1743 of 2025 as proposed parties in the suit and I.A.No.15 of 2025 under Order VI Rule 17 read with Section 151 CPC to include additional property and seek necessary corrections in the plaint. However, both applications were dismissed by the learned Trial Judge on 29.04.2025. Aggrieved by the same, the petitioner has filed the present Civil Revision Petitions.

4. The learned counsel appearing for the petitioner submitted that prior to filing the suit, the petitioner's grandmother executed a settlement deed in favour of the petitioner's father in the year 2009. Based on that settlement deed, the petitioner's father later executed a sale deed in favour of the sixth respondent. Hence, the sixth respondent is a necessary party to the suit. Additionally, the



fifth respondent minor sister, who also has rights over the property is also a necessary party for proper adjudication and to render substantial justice.

Therefore, the rejection of the said applications by the Trial Court is not sustainable. He would further submit that the petitioner had not stated the proposed property at the time of filing the suit. Accordingly, he prays for allowin these petitions.

5. Heard the learned counsel appearing for the fourth respondent-Bank.

6. The learned counsel appearing for the Bank would submit that in order to defeat its rights, the petitioner, under the guise of filing a partition suit, has set up a vexatious claim against his own parents and brother, and the suit is clearly an abuse of process. Therefore, the Bank prays for the dismissal of the Civil Revision Petitions.

7. The facts in the present case are not in dispute. Admittedly, the father of the petitioner executed a sale deed in favour of the sixth respondent in 2009. However, the partition suit was filed only in 2019, i.e., after a delay of 10 years. The petitioner claims that she was in the care and custody of his maternal grandparents, while the fifth respondent was in the custody of the first and third respondents. The fifth respondent in C.R.P.(MD).No.1743 of 2025 is the sister of the petitioner, who is seven years old. There is no explanation with regard to



why the fifth respondent was not impleaded in the earlier stage. If any share available to the minor, it can be defended by her parents, who are already in the suit. Hence, the minor daughter is not a necessary party to the suit.

8. The alienation in favour of the sixth respondent in the year 2009 was questioned only in 2019, after a lapse of 10 years. The amendment of the prayer is barred by limitation, being contrary to Article 58 of the Limitation Act, 1963. The petitioner has sought to include the property purchased by the sixth respondent and filed an amendment petition under Order VI Rule 17 CPC, which was rightly dismissed by the Trial Court. The amendment petition has been filed after 10 years from the date of accrual of the alleged rights, and therefore, the same is not maintainable and is clearly barred by limitation. All these aspects were properly considered by the Trial Court, and there is no need to interfere with the well-reasoned order.

9. Accordingly, these Civil Miscellaneous petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2025

Internet: Yes/No
Index: Yes/No
TSG



To

1.The Additional District Court (FTMC), Karur .

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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