



C.R.P.(PD)(MD)No.1599 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1599 of 2022

and

C.M.P.(MD)No.6908 of 2022

Pasumponnaiya @ Ponnaiya

... Petitioner

Vs.

- 1.Karuppanan
- 2.Kumaravel
- 3.Palaniammal
- 4.Vijayarani
- 5.Sivamani
- 6.Marimuthu
- 7.Andavar
- 8.Karuppayee
- 9.Kaliammal
- 10.Annalakshmi
- 11.Muthulakshmi
- 12.Sakthivel
- 13.Devaraja
- 14.N.Ravichandran
- 15.A.Emaldamary
- 16.The Joint Sub Registrar No.II,
O/o.Joint Sub Registrar No.II,
Collectorate Post,
Dindigul Taluk & District.
- 17.The District Collector,
District Collector Office,
Dindigul Taluk,
Dindigul District.

...Respondents



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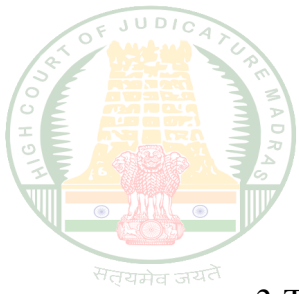
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order dated 28.03.2022 passed in I.A.No.2 of 2021 in O.S.No.292 of 2018 on the file of the Additional Sub Court, Dindigul and set aside the same.

For Petitioner : Mr.J.Anandkumar
For R16 & R17 : Mr.B.Saravanan
Additional Government Pleader
For RR1 to 3, 6,
8 to 10, 12 to 15 : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order dated 28.03.2022 passed in I.A.No.2 of 2021 in O.S.No.292 of 2018 on the file of the Additional Sub Court, Dindigul.

2.The petitioner is the plaintiff in O.S.No.292 of 2018. The first defendant and the mother of the plaintiff and the defendants 6 to 10 are brother and sister. The plaintiff filed a partition suit as against his brothers, sisters and his maternal uncle. The claim of the petitioner/plaintiff is that originally the entire suit schedule property belonged to one Andiyappa Gounder, father of the petitioner's mother. The said Andiyappa Gounder have two sons viz., the petitioner and the first defendant and one daughter, who is the mother of the defendants 6 to 10.



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3.The mother of the defendants 6 to 10, namely Karyppayammal, while she was alive, executed a settlement deed in favour of the sixth defendant in the year 2010 and she died in the year 2012. Thereafter, the sixth defendant alienated the suit property in favour of the legal heirs of the first defendant and third parties, defendants 11 to 13, in turn, the legal heirs of the first defendant has also alienated the suit property. Thereby, the petitioner, being the legal heir of Karuppayammal, filed a partition suit claiming 1/ 6th share in the suit property and to set aside the sale deed executed to the third parties. During the pendency of the suit, the petitioner filed an interlocutory application in I.A.No.2 of 2021 to implead 14 to 17 respondents herein as proposed parties. The said application was dismissed. Challenging the same, this Civil Revision Petition is filed.

4.The learned counsel for the petitioner submits that the respondents 14 to 17 herein are the subsequent purchasers from the second and fifth defendants, who are the legal heirs of the first defendant and the same was executed on the file of 16th defendant. Further, the revenue records were also issued by the revenue officials in the name of the subsequent purchaser, vis, respondents 14 and 15 defendants. To avoid multiplicity of proceedings, the respondents 14 & 15 have to be impleaded as necessary party in the suit. Further, the learned

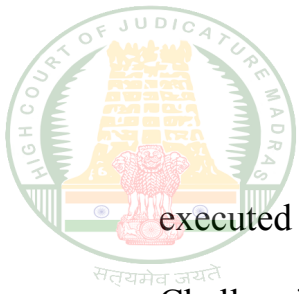


counsel for the petitioner further submits though the defendants 16 and 17 are not the necessary party to the suit, the respondents 14 and 15, who are the subsequent purchasers of the suit property, are the necessary party to the suit proceedings in order to avoid further transaction with regard to the suit property. The trial Court without considering all these aspects, has dismissed the application in entirety. Hence, he prays for appropriate orders.

5.Though notice was served on the private respondents herein, none appeared on their behalf. However, considering the pendency of this petition, this Court is inclined to dispose of this Civil Revision Petition based on the available records.

6.This Court perused the plaint filed by the petitioner and the written statement filed by the first defendant. The conjoint reading of the plaint and written statement reveals that the first defendant and the mother of the petitioner and defendants 6 to 10, namely Karuppaye Ammal are brothers and sisters. The defendants 2 to 5 are the legal heirs of the first defendant.

7.The claim of the petitioner is that the subject property originally belonged to Andiyappa Gounder, father of the petitioner's mother and the first defendant. It was alleged that the petitioner's mother, during her life time, has



executed the settlement deed in favour of the sixth defendant alone.

Challenging the settlement deed executed in the year 2010, the petitioner filed the suit the year 2018. Now the petitioner sought to implead the subsequent purchasers of the suit property.

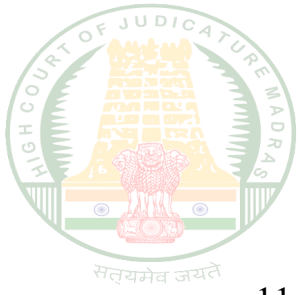
8.The first defendant claims that he is the only son of the Andiyappa Gounder. Andiyappa Gounder died at the young age of the petitioner's mother. Therefore, the petitioner's mother was under the care and custody of the first defendant and being the brother of the petitioner's mother, the first defendant performed the marriage of the petitioner's mother with one Subba Gounder. The petitioner's mother settled in her native place along with her children. After the death of the petitioner's mother, the petitioner filed a vexatious suit as against the defendants, claiming 1/10 share and 1/6 share in the respective suit schedule property. The alienation in the suit property was happened in between 2010 to 2016. However, the suit was filed in the year 2018. Hence, it is clear that the alienation of the suit property in favour of the defendants 14 and 15 is very much prior to filing of the suit. He would further claim that the second to fifth defendants have only alienated the property, which was allotted to the first defendant. In the property of the first defendant, the petitioner/plaintiff may not have any right to make claim.



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9. Admittedly, the settlement deed in question in favour of the sixth defendant was executed in the year 2010. Based on that settlement deed, the sixth defendant alienated the property in favour of the defendants 2 to 5. The alienation in favour of the defendants 2 to 5 is well before the filing of the suit in the year 2015 and they in turn alienated the subject property in favour of the defendants 12 and 13 in the year 2016. Therefore, the alienation of the subject property in favour of the subsequent purchasers is very much prior to 2016. However, the suit was filed in the year 2018.

10. In a partition suit, the petitioner/plaintiff has to establish his legal right to a share in the property sought for division. If the petitioner/plaintiff established such legal right and the partition suit is decreed in his favour by granting 1/6 and 1/10 share in the respective suit schedule property, then only, the petitioner is entitled to make any claim as against the 14 and 15 defendants with regard to the property purchased by him. Without establishing his legal right, the petitioner cannot seek to implead all the purchasers of the subject property. The trial Court has rightly appreciated all the issues and dismissed the petition filed by the petitioner seeking to implead the subsequent purchasers. The said order need no interference.



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11. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Additional Sub Court, Dindigul.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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