

CRP(MD). No.1994 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 21/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1994 of 2025
and CMP(MD) No.11507 of 2025**

S.Chandra

... Petitioner

Vs

1. Kandasamy
2. Varadharajan
3. Ulaganathan
4. R.Rajamanickam
5. Jeyalakshmi
6. Saraswathi
7. Maheshwaran Alias Thangapandian,,
8. Rajambal
9. A.Augustin Albert
10. A.Peter Jeyaraj
11. A.Jesintha Sagaya Mary



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12. Annie Josphine Feminor,

13. Edwin Palraj

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India against fair and decreetal order dated 01.04.2025 passed by the 1 Additional Subordinate Judge, Tiruchirappalli in IA No. 20/2025 in OS No.794 of 2002.

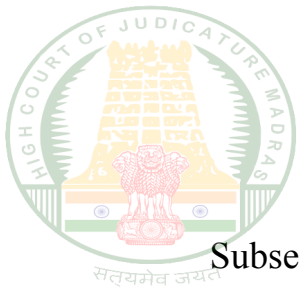
For Petitioner : Mr.K.M.Karunakaran

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 01.04.2025 passed by the 1 Additional Subordinate Judge, Tiruchirappalli in IA No.20/2025 in OS No.794 of 2002.

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

3. The petitioner is the 11th defendant in OS No.794/2002. The first respondent/plaintiff filed the suit for partition against his father and other brothers including the petitioner by claiming 1/3rd share of the property. Initially, the other sisters were not impleaded as defendants.



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Subsequently, they were impleaded by filing interlocutory applications.

Now, the petitioner, who is the 11th defendant in the suit, has filed an application to include the properties, which were not initially included by the plaintiff, in the plaint. The said petition came to be dismissed. Aggrieved by the same, the petitioner is before this Court with this petition.

4. The learned counsel for the petitioner would submit that during the pendency of the suit, the first defendant died and his legal heirs were impleaded as defendants and in order to determine the suit, the properties settled in favour of the impleaded defendants are just and necessary and the properties sought to be included were purchased by the first defendant out of family income and executed settlement deed in favour of his daughters, namely, the defendants 9 and 10 and therefore, it is a joint family property and it is to be included as one of the properties in the suit claimed for partition.

5. The learned counsel would further submit that the first defendant during his life time settled the property, which is the subject

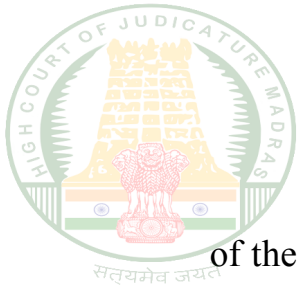


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matter of the partition suit and in order to establish that it is an ancestral property of the first defendant, it is just and necessary to include the properties and hence, the decision arrived at by the trial Court is not sustainable and it is a matter for trial and unless the property is included in the suit, the petitioner would be prejudiced and accordingly prays for interference.

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

7. It is not in dispute that oral evidence was completed and defendants side evidence were also completed and closed and it is pending for the petitioner to produce his oral evidence. At that point of time, the interlocutory application has been filed to include the properties in the plaint. The properties sought to be included in the plaint have been settled in favour of the defendants 9 and 10 respectively vide settlement deed dated 03.08.2000 and hence, the settlement deed is not required to be included in the plaint. Moreover, the property sought to be included is said to be the self acquired property of the first defendant. The suit is



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of the year 2002 and the application to include the properties was filed in the year 2025. When considerable witnesses were examined and they are closed, at this juncture, filing an application one after other is nothing but a tactics adopted to prolong the proceedings. Therefore, no interference is warranted to the well considered order of the trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

21.07.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The 1 Additional Subordinate Judge, Tiruchirappalli

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
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Date : 21/07/2025