

CRP(MD). No.2268 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2268 of 2025
and CMP(MD) No.13596 of 2025**

Alagarsamy

... Petitioner

Vs

Karupayee (Died),
Eswari (Died),
Malliga (Died),

1) Ponram

2. Murugan

3. Ramalakshmi

4. Dharman

5. Suresh

6. Jeganathan

7. Thayammal

8. Subramani

Pappathi (Died)

9. Kaliasammal

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Vijayalakshmi,(Died)
Murugammal (Died)
Vellaiyammal (Died)
Perumal Gounder (Died)

10. Bommana Gounder,

11. Bommanasamy,

12. Palaniyappan,

13. Muthulakshmi,

14. Vasantha,

15. Jothi,

16. Muthu Samy,

17. Lakshmi,

18. Karthick,

19. Kannan,

20. Murugan,

21. Kannan,

22. Karthick,

23. Solaimalai,

24. Muthulakshmi,

25. Muthukumar

26. Chitra

... Respondents



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PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records and set aside the dated 07/07/2025 passed in I.A.No.30 of 2024 in O.S.No.23 of 2004 on the file of Additional District Munsif cum Judicial Magistrate Court, Vedasanthur.

For Petitioner : Mr.S.Selva Aditya

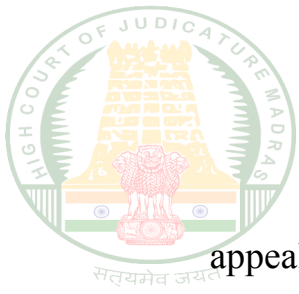
ORDER

The Civil Revision Petition is filed against the order dated 07/07/2025 passed in I.A.No.30 of 2024 in O.S.No.23 of 2004 on the file of Additional District Munsif cum Judicial Magistrate Court, Vedasanthur.

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 defendant in OS No.30 of 2024 on the file of the District Munsif, Vedasandur and the respondents 1 to 7 instituted the suit for partition and separate possession. The said suit was partly decreed in their favour. The respondents/plaintiffs, therefore, filed an

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appeal before the lower appellate Court and the same was dismissed confirming the judgment of the trial Court. Thereafter, the petitioner filed second appeal in SA (MD) No.841/2010 and this Court vide judgment dated 07.04.2022 remanded back the matter to the trial Court by directing the plaintiffs to file applications for including the properties covered under Ex.B27 and also impleading the legal heirs/daughters of Nalla Boyan. This Court has also observed that if the plaintiffs failed to carry out amendment within a reasonable time, they will be non suited. Therefore, plaintiffs filed IA No.30/2024 under Order XVI Rule 17 of the Code of Civil Procedure pursuant to the judgment passed in SA (MD) No.841 of 2010 (supra). However, the said order was passed in the year 2022, whereas, the petition for amendment was filed only in the year 2024. The trial Court has allowed the said application, challenging the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that even though the trial Court allowed the application for amendment, the legal heirs of Nalla Boyan were not impleaded as per the judgment in the second appeal and hence, the suit is to be dismissed for non joinder of



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necessary party. However, the trial Court refused to consider the said aspect, which is impermissible one. On this ground, the learned counsel prays for interference. The learned counsel would submit that though this Court directed the respondents/plaintiffs to file amendment petition within a reasonable time, after a lapse of two years only, the said application has been filed, which is not within the reasonable time as per the order of this Court.

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

6. Since the petition for amendment is filed as per the direction of this Court, no prejudice would be caused to the petitioner. The petitioner as appellant alone invited the said order and hence, no prejudice would be caused to him by such an amendment. Accordingly, the Civil Revision Petition is dismissed, however, liberty is granted to the petitioner to raise all the points at the time of trial. Since the suit is of the year 2004, the trial Court is directed to dispose the main suit within a period of six months from the date of receipt of a copy of this order. No



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costs. Consequently connected Miscellaneous Petition is closed.

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19.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Additional District Munsif cum Judicial Magistrate Court,
Vedasanthur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2268 of 2025**

Date : 19/08/2025