



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2227 of 2025

and

C.M.P.(MD).No.13236 of 2025

J.Sahayarani

...Petitioner

Vs.

1.Doss Martin

2.Rajendran @ Raja

Palraj (died)

3.Jansirani

4.Jayarani

5.Gnanamary

6.Roseline

7.Alfonsa

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to the impugned fair and decreetal order dated 18.07.2025 made in I.A.No.16 of 2025 in O.S.No.425 of 2004 on the file



of the I Additional Sub Court, Trichirappali and set aside the same thereby allowing this Civil Revision Petition as prayed for.

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For Petitioner

: Mr.K.S.Kathiravan

ORDER

This Civil Revision Petition has been filed to set aside the impugned fair and decreetal order dated 18.07.2025 made in I.A.No.16 of 2025 in O.S.No.425 of 2004 on the file of the I Additional Sub Court, Trichirappali.

2. The first respondent herein filed a suit in O.S.No.425 of 2004 before the I Additional Sub Court, Trichirappalli, against respondent Nos.2 to 7 seeking declaration and possession. The petitioner herein is a third party to the said proceedings. She filed an interlocutory application in I.A.No.16 of 2025 seeking to implead herself as a party to the above suit. The trial Court, by order dated 18.07.2025, dismissed the said application on the ground of delay. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the daughter of one Arockiasamy. The said Arockiasamy had three daughters, namely, the petitioner, Sahaya Fathima and Kulandai Therasamma. The suit property originally belonged to the said Arockiasamy, and upon his demise, the petitioner became entitled to succeed as her legal heir. The first

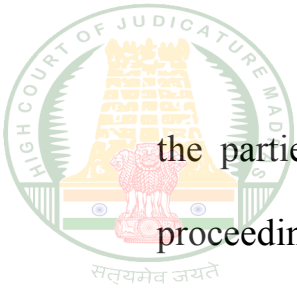


respondent in the suit is the son of Sahaya Fathima, the petitioner's sister. The respondent Nos.2 to 6 are the children of one Paulraj and the seventh respondent is his wife. Paulraj was the uncle of the petitioner. It is further contended that Arockiasamy did not execute any Will dated 09.08.2002 and that the alleged Will produced in the suit is a forged and fabricated document. Therefore, the petitioner claims that she is a necessary and proper party to the suit, as her rights are directly affected.

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

5. This Court has carefully considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

6. It is an admitted fact that the suit in O.S.No.425 of 2004 has been pending since the year 2004 and the interlocutory application to implead the petitioner has been filed only in the year 2025, nearly after two decades. The trial Court, after taking note of the extraordinary delay, rightly dismissed the impleading petition. Further, the petitioner has not produced any convincing material to establish that she is a necessary party for the effective adjudication of the dispute. The validity of the alleged Will is a matter to be decided between



the parties to the suit, and a third party cannot be permitted to reopen the proceedings at such a belated stage. If at all the petitioner claims any independent right over the property, it is always open to her to work out her remedy in the manner known to law.

8. In view of the above discussion, this Court finds no infirmity or illegality in the order passed by the trial Court. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The I Additional Sub Court, Trichirappalli.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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