



C.R.P(MD)No.2420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2420 of 2025
and
C.M.P(MD)No.14548 of 2025

1.Indhirani
2.Senthilkumar
3.Ramachanran
4.Kanakaraj
5.Ananthi

... Petitioner/ Proposed Party
3 to 7 Defendants

Vs.

Balakrishnan (Died)

1.Chitra
2.Thirumaladevi
3.Karvannaperumal

... 1 to 3 Respondents/
Plaintiffs

4.Kannan
5.Malaisamy

...4th and 5th Respondents/
1 and 2 Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 13.08.2025 passed in I.A.No.6 of 2025 in O.S.No. 98 of 2014 on the file of the District Munsif Court, Manamadurai and set aside the same and consequently allow the present civil revision petition.



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For Petitioners : Mr.G.Ravisankar

For R1 : Mr.R.Senthil Kumar

ORDER

The instant revision petition has been filed challenging the order passed in I.A.No.6 of 2025 in O.S.No.98 of 2014, filed by the petitioners seeking to implead themselves as parties in the suit.

2. The learned counsel for the petitioners contended that the suit property belongs to their family and without impleading them, the suit had been filed by one Balakrishnan, whose legal heirs have been impleaded as respondents 1 to 3, seeking for permanent injunction restraining the respondents 4 and 5 from interfering with the peaceful possession. He vehemently contended that the suit had been collusively filed by them to grab the property belonging to the petitioners. Therefore, the petitioners are necessary parties to the suit.

3. He further contend that the Court below failed to appreciate the rights of the petitioners in the suit property and dismissed the application by holding that to establish the right of the petitioners over the property,



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the petitioners are always at liberty to file a separate suit seeking for declaration of their title in right in the suit schedule property. This finding of the Trail Court would only lead to multiplicity of proceedings and therefore, he prays this Court to set aside the order impugned in the revision and allow the revision petition.

4. I have considered the submission made by the learned counsel for the petitioners.

5. The suit was filed by the predecessor of the respondents 1 to 3 against the respondents 4 and 5 seeking for a permanent injunction, as early as in the year 2014.

6. It is not the case of the petitioners that they were not aware of the suit proceedings. From the affidavit filed in support of the interlocutory application in I.A.No.6 of 2025, the petitioners have specifically pleaded that they came to be aware of the proceedings in the suit when the Advocate Commissioner had visited the suit property. It is to be noted that the Advocate Commissioner was appointed in an interlocutory application. There is no whisper as to what steps were taken



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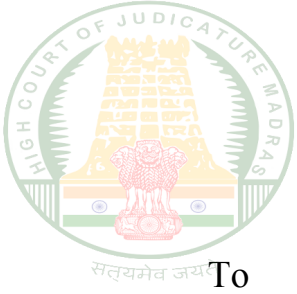
by the petitioners after having come know that the suit is with regard to the suit schedule property have been filed.

7. However, the suit has been filed for bare injunction against the respondents 4 and 5 by the predecessor of the respondents 1 to 3. As rightly held by the Court below, the relief that the petitioners can seek against the respondents 1 to 3 is by filing a suit for declaration of their title. In such view of the matter, I do not find any infirmity with the order impugned in this civil revision petition.

8. In fine, the Civil Revision Petition stands dismissed. However, the petitioner is at liberty to seek appropriate remedy as available under law if permissible. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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- 1.The District Munsif Court,
Manamadurai.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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