



C.R.P.(MD)No.52 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.52 of 2023
and
C.M.P.(MD)No.280 of 2023

Kalyani

... Petitioner

-VS.-

1.Shanthi

Rajammal Ammal (died)

2.Angammal

3.Gnanasundari

4.Rajeswari

5.Chandra

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order, dated 24.03.2022 passed by the learned District Munsif, Aranthangi in I.A.No.640 of 2021 in I.A.No.1260 of 2017 in O.S.No. 173 of 2000.

For Petitioner	:Mr.S.Yogeswaran for Mr.T.Lenin Kumar
For Respondents	:No appearance



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Aranthangi, in I.A.No.640 of 2021 in I.A.No.1260 of 2017 in O.S.No.173 of 2000, dated 24.03.2022.

2.Heard Mr.S.Yogeswaran learned Counsel representing Mr.T.Lenin Kumar, learned Counsel for the Revision Petitioner. Despite notice, none appears for the respondents.

3.The first respondent herein is the plaintiff in the suit in O.S.No.173 of 2000 on the file of the District Munsif Court, Aranthangi. The respondents 2 to 4 are the defendants in the suit. The said suit has been filed for declaration to declare that the suit schedule properties are the properties of the plaintiff and for other reliefs. The said suit was decreed by the trial Court on 25.06.2002. Thereafter, the first respondent/plaintiff has filed an application in I.A.No.1260 of 2017 seeking to appoint an Advocate Commissioner and to pass final decree. In the said application, the petitioner, who is a third party to the suit,



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has filed an application in I.A.No.640 of 2021 under Order 1 Rule 10(2) of CPC seeking to implead her as party to the suit on the ground that she is the absolute owner of the suit properties having been purchased from one Kumarasamy.

4.The learned District Munsif, Aranthangi, vide order, dated 24.03.2022, had dismissed the said application on the ground that the application has been filed after a long period and that the petitioner has not taken any steps to set aside the preliminary decree passed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

5.The learned Counsel for the petitioner submitted that the petitioner is the necessary party to the suit and without even impleading her as a party defendant, the suit in O.S.No.173 of 2000 has been filed and a preliminary decree has also been passed on 25.06.2002. He further submitted that only when the Advocate Commissioner has visited the suit property on 10.02.2018, she came to know that the first respondent herein had filed a suit by suppressing the entire facts and obtained the preliminary decree behind the



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back of the petitioner. He also submitted that the Court below without analysing the entire evidences and averments, had passed the impugned order, which is *per se* illegal and if the petitioner is not impleaded in the suit, it will cause irreparable loss to the petitioner and sought interference of this Court.

6.This Court considered the submissions made by the learned Counsel for the Revision Petitioner and perused the materials available on record.

7.The Revision Petitioner is the third party to the suit in O.S.No.173 of 2000 on the file of the District Munsif Court, Aranthangi. The first respondent has filed the above suit for declaration and for permanent injunction against the respondents 2 to 5. The said suit has been decreed and a preliminary decree was passed on 25.06.2002 and thereafter, the first respondent herein has filed an application to appointment an Advocate Commissioner and to pass final decree. In that application, the petitioner herein has filed an application in I.A.No.640 of 2021 to implead her as a party to the suit. It is the contention of the petitioner that she is the absolute owner of the suit property and that behind her back, the present suit has been filed and a fraudulent decree has



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been obtained.

8.From the perusal of the records as well as the impugned order, this Court is of the view that the petitioner has not explained the inordinate delay of 20 years and after two decades, the petitioner has filed the present application stating that she has no knowledge about the filing of the suit as well as the passing of preliminary decree. Further, the petitioner has not pleaded anything about the unaware of the proceedings before the District Munsif Court, Aranthangi and she has only pleaded that she came know about the passing of the preliminary decree only at the time, when the Advocate Commissioner visited the suit property. Further, the petitioner has not availed the appellate remedy challenging the preliminary decree passed in the suit and without exhausting the appellate remedy, she has filed the application at the final decree proceedings. By considering all these facts, the trial Court has rightly passed the impugned order, which does not warrant interference of this Court.



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9.In the result, the Civil Revision Petition is dismissed with liberty to the petitioner to avail the appellate remedy in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

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Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The District Munsif, Aranthangi.



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N.SENTHILKUMAR, J.

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