

CRP(MD). No.2564 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2564 of 2022
and CMP(MD) No.12588 of 2022**

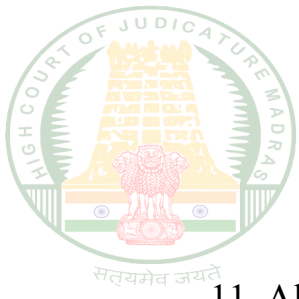
T.Perumalsamy,,

... Petitioner

Vs

1. Balaji.
2. Muralidharan
(Through His Power Agent 1st Petitioner),
Balaji,
S/o. Thirupanalwar, Door No. 12,.
3. Jeyabharathi
4. Valarmathi
5. Kothaiammal
6. Sathiyaram
7. Devika
8. Abinaya
9. Visvaraj Alias Nambi
10. Gnanaselvi

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11. Alamelumangaithayar

12. Anandhaselvi

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and final order dated 12.08.2022 made in I.A. No. 1 of 2020 in O.S. No. 46 of 2012 on the file of the Sub-Court, Virudhunagar.

For Petitioner : Mr.P.Santhoshkumar

For Respondents : Mr.S.Selva Aditya

ORDER

The Civil Revision Petition is filed against the fair and final order dated 12.08.2022 made in I.A. No. 1 of 2020 in O.S. No. 46 of 2012 on the file of the Sub-Court, Virudhunagar.

2. The learned counsel for the petitioner would submit that the petitioner is the first defendant in OS No.46/2012, in which, he filed an interlocutory application in IA No.1/2020 for impleading the respondents 6 to 12 as parties under Order I Rule 10 of the Code of Civil Procedure. The said petition came to be dismissed. Challenging the same, the petitioner is before this Court.



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3. The learned counsel would submit that admittedly, the first and 2nd respondents/plaintiffs are the brothers of the petitioner and they filed the suit for declaration against the petitioner and other respondents, namely, R3 to R5 and the partition is between the petitioner and respondents 1 to 5. However, the respondents 6 to 12 are the legal heirs of the petitioner's father's brother and they are also necessary party to decide the partition suit. However, the trial Court dismissed the application for impleadment and hence, prayed for interference.

4. The learned counsel for the first respondent would submit that admittedly, the partition suit is filed claiming partition in respect of the property stands in the name of the father of the petitioner and the respondents 1 to 5, in which, the respondents 6 to 12 have nothing to do with the same and since they are strangers to the relief of partition, the trial Court rightly dismissed the application and accordingly, prays for dismissal.

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



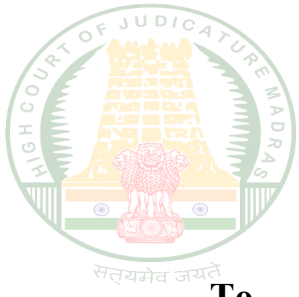
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6. It is seen that the suit is one for partition. The partition is between the petitioner and the respondents 1 to 5. The petitioner herein has filed an application to implead the respondents 6 to 12 as parties, since they being the legal heirs of the petitioner's father's brother. However, from the records, it could be seen that the respondents 6 to 12 have nothing to do with the partition suit. When the impleading respondents are enjoying their respective share of the property belong to their father, they are not necessary for the present suit. When the respondents 6 to 12 are total strangers and no way connected to the suit property, the petition for impleadment was rightly rejected by the trial Court and no interference is warranted to the finding of the trial Court. Accordingly, the Civil Revision Petition is dismissed. However, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

25.08.2025

NCC : Yes/No
Index : Yes/No
RR



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To

1. The Sub-Court, Virudhunagar.
2. The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2564 of 2022**

Date : 25/08/2025