



CRP(MD). No.3226 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3226 of 2025

and

C.M.P(MD).No.17789 of 2025

Joint Family represented by
R.Chandrasekaran

... Petitioner

Vs

1. Sampath,
S/o.P.Rangasamy,
2. Ajaykumar,
S/o.Sampath,
3. Minor.Sivaprasad,,
S/o.Sampath,
(Represented by His Father and
Natural Guardian 1st Respondent Herein).

4. Palanisamy,
S/o.M.Rangasamy,
5. Varshini,
D/o.Palanisamy,
6. Minor.Lakshna,
D/o.Palanisamy,
(Represented by Her Natural
Guardian / Father R.Palanisamy).



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7. P.Periyasamy,
S/o.Palamuthu,
8. P.Chandrasekar,
S/o.Periyasamy,
9. P.Kaliselvi,
W/o.Prabhuram,
10. M.Kuppusamy,
S/o.Late.Muthusamy,
11. M.Marappan,
S/o.Maruthaiannan,
12. Manoj,
S/o.Palanivel,

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.08 of 2024 in O.S.No.317 of 2023 on the file of learned Principal District Judge, Karur dated 11-12-2024.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu,

ORDER

This Civil Revision petition has been filed to set aside the order passed in I.A.No.08 of 2024 in O.S.No.317 of 2023 on the file of learned Principal District Judge, Karur dated 11-12-2024.

2. The learned counsel for the petitioner would submit that the respondents 1 to 3 herein had filed a suit as against the other respondents



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seeking for declaration and partition in respect of the various properties mentioned in the plaint schedule, claiming that the said properties are ancestral properties. He would submit that the petitioner had also filed a suit in O.S. No.198 of 2016 on the file of the District Munsif Court, Karur, seeking declaration and permanent injunction in respect of Survey No.96, measuring an extent of 1.56 acres, in which respondents 1 and 2 had also been impleaded as defendants. In the said suit, it is the claim of the petitioner that he and his family also own various other survey numbers, which also form part of the suit schedule properties filed by the respondents 1 to 3. Hence, he had taken out an application to implead himself as a party defendant in the said suit filed by respondents 1 to 3; however, the same was dismissed on the ground that the petitioner is an absolute stranger to the family of the parties to the suit. He would further submit that the finding given by the Court below is contrary to the facts and affects the rights of the petitioner and therefore seeks the indulgence of this Court.

3. I have considered the submission made by the learned counsel for the petitioner and perused the materials available on record.



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4. The Court below had categorically held that the petitioner cannot be made a party to the partition suit, in which reliefs of declaration, cancellation of sale deed and permanent injunction in respect of the suit schedule properties have been sought, as it is not the claim of the petitioner that he is in joint possession of the property. Further, when the petitioner claims his rights independently, it is for him to file an appropriate suit and being a stranger to the family, he cannot be made a party defendant in the said suit. Therefore, this Court is of the view that no interference is required to be made with the order impugned in this revision petition. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

05.11.2025

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To

The Principal District Court, Karur.



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K.KUMARESH BABU,J

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**ORDER
IN
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Date : 05/11/2025