



CRP(MD). No.3486 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3486 of 2025

and

C.M.P(MD).No.18783 of 2025

Natarajan (Died)

1. Vellappandi
2. Velammal,
3. Vellaiammal,
4. Murugan,
5. Rajammal,
6. Lakshmi,
7. Balamurugan,
8. Mari,
9. Sangilipoothathammal,
10. Madasamy,

... Petitioners

Vs

1. Shanmugavel,
2. Gandhi,
3. Raj,
4. Seethalakshmi,
5. Barath,
6. Minor. Mugila Shakthi,
Represented Through Her Mother
And Guardian 7th Respondent
7. Subramanian,
8. Iyyappan,



CRP(MD). No.3486 of 2025

9. Sokkalingam,
10. Rajeshwari,
11. Santhiya,
12. Mathisha,
13. Saroja,
14. Balasubramanian,
15. Shanthi,
16. Jayanthi,
17. Kalaiselvi,
18. Enamuthu,
19. Selvaganapathi,
20. Balakrishnan,
21. Ponnammal,
22. Saraswathi,
23. Saratha,
24. Rajagopal,

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the Fair and Decreetal order, dated 9.9.2025, passed by the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, in IA No.11/2022, in OS No.17 of 2005.

For Petitioners : Mr.F.X.Eugene,
For Respondents : Mr.J.Parekh Kumar

ORDER

This Civil Revision petition has been filed to set aside the Fair and Decreetal order, dated 9.9.2025, passed by the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, in IA No.11/2022, in OS No.17 of 2005.



CRP(MD). No.3486 of 2025

2. The learned counsel for the petitioners would submit that the petitioners had filed a suit in respect of the suit property for partition of their shares. The suit was originally dismissed and it was affirmed in the appeal suit and this Court in the second appeal had remitted the matter back to the trial Court for marking of documents through competent witnesses. Thereafter, the petitioners had filed an application to implead the necessary parties in the partition suit, namely, the legal heirs of the fore father from whom a portion of the property had been purchased. The Court below without considering the valid claim made by the petitioners had dismissed the application. He would submit that the parties sought to be impleaded are proper and necessary parties, as they also have a right in the suit schedule properties. Hence, he seeks indulgence of this Court.

3. Countering his arguments, the learned counsel appearing for the Caveator/first respondent would submit that the parties who are sought to be impleaded are neither proper nor necessary party in the suit. That apart, he would submit that even in the affidavit filed in I.A, the petitioners had not pleaded as to how they are necessary parties except making a bald statement. He would further submit that the second appeal



CRP(MD). No.3486 of 2025

had been remitted back by this Court as early as in the year 2018 with a direction to dispose of the suit within a period of six months from the date of receipt of a copy of the judgment. After a lapse of more than 7 years, the petitioners have approached this Court, thereby unnecessarily protracting the proceedings. He would submit that though the suit had been filed as early as in the year 2005, the petitioners are now attempting to implead the unnecessary parties, that too after the matter was remanded by this Court for the specific purpose of permitting the petitioners to mark the documents by examining the appropriate witnesses and therefore, he prays this Court to dismiss the Civil Revision Petition.

4. I have considered the submissions made on either sides and carefully perused the material available on record.

5. A perusal of the affidavit filed in support of this application does not indicate as to how the proposed parties are proper and necessary parties in the suit for partition of the year 2005 and no reasons have been attributed as to why they were not impleaded, when the suit was



CRP(MD). No.3486 of 2025

originally filed in the year 2005 and why after the remand, the present petition has been taken out to implead the said third parties. The Court below, after analyzing the issue had found that to add a party to the suit there should be firstly be a cause of action against them, secondly that impleading such persons would amount to a non joinder of parties for grant of relief and thirdly such third parties should have a interest in the suit.

6. The Court below having found that none of the ingredients having fulfilled to implead the proposed parties had rejected the application. Even though the petitioners attempt to claim that they are proper and necessary parties, no pleadings have been made by the petitioners either before the Court below and in the affidavit filed in support of this I.A nor in the affidavit filed support of the stay petition that as to how the proposed parties are proper and necessary parties in the partition suit that has been filed as early as in the year 2005. As rightly pointed out by the learned counsel appearing for the respondents, the suit had been only remitted back to the Court below for marking of documents through the appropriate witnesses. In such circumstances, the



CRP(MD). No.3486 of 2025

attempt made by the petitioners is only to protract the proceedings, which has been directed to be disposed of within a time frame by this Court

7. In view of the above, this Court does not find any merit in this petition. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

8. Considering the fact that already time line has been fixed as early as in the year 2016, directing the learned District Munsif cum Judicial Magistrate Court, Cheranmahadevi, to dispose of the suit in O.S.No.77 of 2005 within a period of six months from the date of receipt of the copy of the judgment. The Court below shall take up the case on day-to-day basis, as the time line already fixed by this Court in S.A(MD).No.183 of 2013 dated 23.11.2018 has been violated

25.11.2025

tta

To

The District Munsif cum Judicial Magistrate Court,
Cheranmahadevi.

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CRP(MD). No.3486 of 2025

K.KUMARESH BABU,J

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**ORDER
IN
CRP(MD) No.3486 of 2025**

Date : 25/11/2025