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C.R.P.(MD)No.3769 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3769 of 2025

and

C.M.P.(MD)No.19846 of 2025

Alagu

... Petitioner

-VS.-

1.Sakunthala
2.Chinnathambi
3.Chinnapillai
4.Chellammal
5.Mallika
6.Chinnapottu

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records of the Fair and Decreetal order passed in I.A.No.1 of 2024 in O.S.No.190 of 2023, dated 11.11.2025 on the file District Munsif Court, Melur and to set aside and allow the Civil Revision Petition.

For Petitioner :Mr.E.Prakash



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Melur, in I.A.No.1 of 2024 in O.S.No. 190 of 2023, dated 11.11.2025.

2.Heard Mr.E.Prakash, learned Counsel for the petitioner.

3.The first respondent is the plaintiff in the suit in O.S.No.190 of 2023 on the file of the District Munsif Court, Melur. The respondents 2 to 6 are the defendants in the suit and the petitioner herein is a third party to the suit. The suit in O.S.No.190 of 2023 has been filed for partition and for other reliefs.

4.During the pendency of the suit, the petitioner, who is a third party to the suit, has filed an interlocutory application in I.A.No.1 of 2024 in O.S.No. 190 of 2023, under Order 1 Rule 10(2) of CPC to implead him as party defendant in the partition suit on the ground that suppressing the 100 years old cart track, as per the revenue records through which the petitioner and other



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villagers are accessing ingress and egress through the above pathway, the present partition suit has been filed.

5.The learned District Munsif, Melur, vide order, dated 11.11.2025, had dismissed the said application stating that if the petitioner is claiming right over the cart track as a common pathway, it is for him to file a separate suit and the application to implead him as party defendant in a partition suit is not maintainable. Aggrieved by the same, the present Civil Revision Petition has been filed.

6.The learned Counsel for the petitioner submitted that the petitioner and other villagers have right over the 100 years old cart track as per the revenue records and that he is the necessary party to the *lis*. Hence, the petitioner has filed the present application to implead him as party defendant in the suit. However, the Court below has passed the impugned order without considering the materials facts, which needs interference of this Court.

7.This Court considered the submissions made by the learned Counsel



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for the petitioner and perused the materials available on record.

8.From the perusal of the records as well as the impugned order passed by the learned District Munsif, Melur, dated 11.11.2025, this Court is of the view that the petitioner has not made out a case to prove that he is a necessary party to the partition suit. It is to be seen that the suit has been filed by the first respondent against the respondents 2 to 6 for partition and in the said suit, the petitioner has filed the application to implead him as party defendant. If the petitioner is having any right over the alleged pathway, it is for him to file a separate suit and that in a suit for partition, the petitioner has no right to implead him as party defendant. This Court does not find any irregularity or infirmity in the order passed by the Court below.

9.In view of above, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

17.12.2025

Internet :Yes/No



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NCC :Yes/No
Index :Yes/No
cmr

To

The District Munsif, Melur.



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N.SENTHILKUMAR, J.

cmr

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