



C.R..P.(PD)(MD).No.3276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.3276 of 2024

and

C.M.P(MD) No.18914 of 2024

1. S.Subbulakshmi
2. Ramasamy @ T.R.S.Vijayram
3. T.R.S.Babu
4. T.R.S.Chitra Ramesh
5. T.R.S.Karthikeyan

.... Revision Petitioners/
Petitioners/Plaintiffs

Vs.

1. V.R.Narayanasamy
2. S.Banumathi
3. V.R.Rajendran
4. S.Kousalya
5. G.Seethammal
6. R.Guruvammal



C.R..P.(PD)(MD).No.3276 of 2024

WEB COPY

7. Sri Vijayalakshmi Textiles,

Represented through its Partner
R.Vijaya, W/o. Rajamaninayakar
Door No.9, Theppakula Road,
Periyapuliyampatti,
Aruppukottai Town.

8. The Tahsildar,

Aruppukottai,
Virudhunagar District.

9. The Sub Registrar,

Aruppukkottai,
Virudhunagar District.

10. The Tamil Nadu Government,

Represented through its District Collector,
Virudhunagar District.

... Respondents 1 to 10/
Respondents 1 to 10/
Defendants 1 to 10

11. Aruppukottai Sri Vijayalakshmi Textiles

Mills (P) Limited,
Represented through its Director,
Registered office at
Door No.3, Verrappan Nayakar Street,
Aruppukkottai Town,
Virudhunagar District.
Office at Door No.4/98,
Sankaralingapuram,
Vilathikulam Taluk,
Thoothukudi District.

... 11th Respondent/11th Respondent
Proposed Defendant

(Notice to R1 to R6 is dispensed with,
vide order of this Court dated
06.01.2025 made in C.R.P(MD) No.
3276 of 2024)



C.R..P.(PD)(MD).No.3276 of 2024

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.08.2024 in I.A.No.1 of 2024 in O.S.No.291 of 2023 on the file of the learned Sub Judge, Aruppukkottai.

For Petitioners : Mr.P.Ganapathi Subramanian
For R8 to R10 : Mr.S.P.Maharajan
Special Government Pleader
For R7 : No appearance
For R11 : Mr.A.Sivaji

ORDER

The plaintiffs in O.S.No.291 of 2023, on the file of the Sub Court, Aruppukkottai, have filed the present Civil Revision Petition challenging the dismissal of their application filed to implead the 11th respondent in the revision petition as 11th defendant in the suit.

2. A perusal of the records reveal that the said suit has been filed for the relief of declaration of title, permanent injunction and for a declaration that the document dated 29.09.1986, is null and void.



C.R..P.(PD)(MD).No.3276 of 2024

WEB COPY

3. Pending suit, the 7th defendant, which is a partnership firm has filed a Memo before the Court to the effect that the 7th defendant is no longer a partnership firm and it has become a private limited Company represented through its Director. A Board resolution was also annexed with the said Memo. Based upon the said Memo, the plaintiffs have filed I.A.No.1 of 2024 to implead Aruppukottai Sri Vijayalakshmi Textiles Mills Private Limited, as the 11th defendant in the suit. This application came to be dismissed by the trial Court on the ground that when the 7th respondent has been converted into a Private Limited Company, it is enough that the cause title of the 7th respondent is amended. It is not necessary to implead the Private Limited Textiles Company as the 11th defendant. Challenging the said order, the present Civil Revision Petition has been filed.

4. According to the learned counsel appearing for the revision petitioners, except the Memo filed on behalf of the 7th defendant no other records have been produced by the 7th defendant to establish the fact that the 7th defendant partnership firm has been converted into a Private Limited Company.



C.R..P.(PD)(MD).No.3276 of 2024

WEB COPY

5. The learned counsel appearing for the 11th respondent Company has filed an affidavit before this Court. In Paragraph Nos.3 and 4 of the said affidavit are extracted as follows:

“3. I submit that the suit property was originally purchased by the erstwhile partnership firm namely Sri Vijayalakshmi Textiles represented through its partner Smt.Vijaya Rajamani under sale deed dated 29.09.1986 from the vendor for a valid consideration. The said partnership firm was registered with the Registrar of Firms, Virudhunagar in its registration No.36/1984. The said partnership firm subsequently converted into a private limited company under the Companies Act and the same was registered with the Registrar of Companies, Chennai in its registration No.014569 dated 24.06.1987. At the time of incorporation of the 11th respondent the said Vijaya Rajamani was also inducted into the board as Director by the Board Approval dated 12.05.1987 and she continued to function as Director till 27.01.2015 and thereafter by virtue of her resignation she ceased to be a Director.

4. I submit that while reconstituting the partnership firm into 11th respondent herein, the Memorandum and Articles of Association was also



WEB COPY



C.R..P.(PD)(MD).No.3276 of 2024

registered with the Registrar of Companies. By virtue of such conversion of the partnership firm into a 11th respondent Company all the movable and immovable assets of the partnership firm statutorily vests with the 11th respondent private limited company including the suit property. The 11th respondent when holding the suit property as Company asset the revision petitioners had filed the suit in O.S.No.291/2023 on the file of the Subordinate Judge, Aruppukottai, by contending as if the property belongs to the 7th respondent herein. In view of the statutory act the 11th respondent holds right and the 7th respondent have no right in the suit property.”

6. According to the learned counsel appearing for the 11th respondent in the revision petition since the 7th defendant is no longer in existence, the cause title of the 7th defendant could very well be amended to that of the Private Limited Company and the order of the trial Court may be sustained.

7. Heard both sides and perused the materials available on record.



C.R..P.(PD)(MD).No.3276 of 2024

WEB COPY

8. The plaintiffs is still entertaining a doubt to the effect that whether the 7th defendant has been converted into a Private Limited Company or not, in view of the fact that no records have been produced by the 11th defendant. In view of the above said apprehension, this Court is of the considered opinion that the 11th respondent in the revision petition can be impleaded as the 11th defendant in the suit and he can very well produce the records to establish the fact that the 7th defendant is no longer in existence and it has been converted into the Private Limited Company.

9. In view of the above said deliberations, the order impugned in the Revision Petition is set aside and I.A.No.1 of 2024 stands allowed. Accordingly, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

17.03.2025

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



C.R..P.(PD)(MD).No.3276 of 2024

WEB COPY

To

1. The Sub Judge,
Aruppukkottai.
2. The Tahsildar,
Aruppukkottai,
Virudhunagar District.
3. The Sub Registrar,
Aruppukkottai,
Virudhunagar District.
4. The District Collector,
Virudhunagar District.
5. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).No.3276 of 2024

R.VIJAYAKUMAR,J.

ebsi

C.R.P(PD)(MD)No.3276 of 2024

17.03.2025