



C.R.P.(PD)(MD)No.114 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.114 of 2025

and

C.M.P(MD)No.681 of 2025

Sethuramayee

...Petitioner/Petitioner/Petitioner/
Proposed 3rd Defendant

Vs.

1.Solai
2.C.Ravi
3.Solai Nagappan

...1st Respondent/1st Respondent/Petitioner/Plaintiff

...Respondents 2 & 3/Respondents 2 & 3/
Respondents 1 & 2/Defendants 1 & 2

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the civil revision petition by setting aside the fair and decreetal order in I.A.No.29 of 2024 in I.A.No.447 of 2022 in O.S.No.13 of 2014 on the file of Additional District Judge, Pudukkottai, dated 12-08-2024.

For Petitioner : Mr.M.Sakundala Devi

For Respondents : Mr.R.Kathiravan for R1
Mr.K.Sivakumar for R2 & R3

* * * * *



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ORDER

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A third party to O.S.No.13 of 2014, on the file of the Additional District Court, Pudukottai, has filed the present revision petition, challenging the dismissal of her application to get herself impleaded in the final decree proceedings.

2.A perusal of the records reveal that the first respondent herein as plaintiff has filed O.S.No.13 of 2014, before the Additional District Court, Pudukottai, for the relief of partition and separate possession as against the respondents 1 and 2. A preliminary decree came to be passed on 18.09.2019, granting 1/2 share in favour the plaintiff and the balance 1/2 share in favour of the second respondent, namely, C.Ravi. The said preliminary decree has attained finality.

3.In such circumstances, the present revision petitioner who is a third party to the suit, has filed I.A.No.447 of 2022, to get herself impleaded in the final decree proceedings.

4.It is the case of the revision petitioner that the second item of the suit schedule property originally belongs to one Chinthamani Aachi, and she had



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executed a settlement deed in favour of the second defendant on 26.12.2012.

Relying upon the said settlement deed, the second defendant is said to have executed another settlement deed in favour of his mother Nachal on 10.03.2017. The said Nachal has executed the settlement deed in favour of one Gandhimathi Ammal on 06.04.2017. The revision petitioner, namely, Sethuramayee, has purchased the said property from one Gandhimathi Ammal on 02.01.2023. Thus, the revision petitioner claims the title to the second item of the suit schedule property through the second defendant in the suit.

5.The impleading application filed by the revision petitioner is being objected to only by the plaintiff and not by the defendants 1 and 2. Since, the revision petitioner is making a claim only through the second defendant, the impleading of the revision petitioner would not in any way affect the 1/2 share of the plaintiff, namely, Solai Aachi.

6.According to the learned Counsel appearing for the defendants 1 and 2, they are likely to settle the issues with the revision petitioner, namely, Sethuramayee, with regard to the share in the suit schedule property. In such circumstances, they feel that the presence of Sethuramayee is very much essential for proper adjudication of the final decree proceedings.



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7. In view of the above said facts, the order impugned in the revision petition is hereby set aside and I.A.No.29 of 2024, shall stands allowed. It is made clear that the revision petitioner cannot disturb the 1/2 share of the plaintiff, namely, Solai Aachi.

8. With the above said observations, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

25.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Additional District Judge,
Pudukkottai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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