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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 557 of 2024 and
CMP.No.2770 of 2024**

1. B. Parameshwari
D.Udayashankar (Deceased)
2. D. Murali

..Petitioner(s)

Vs

1. Geethamani
2. The Madras Purasaiwalkam
Hindu Janopakara Saswatha Nithi Ltd.,
No.168, Vellala St, Purasaiwalkam,
Chennai 3.
3. Vamana Auctioners, Room No.137
First Floor, No.17, O.S.Building
E.K.Guru Street, Periamet
Chennai-600 003
4. T.G. Sukumaran
5. Lalitha Sukumaran
6. Ananthalingam

..Respondent(s)



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Prayer: The civil revision petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 07.09.2023 and made in IA No.6 of 2022 in OS No.6527 of 2019 on the file of the Court of XXI Additional City Civil Court, Allikulam.

For Petitioner(s): Mr.N.A. Nassir Hussain

For Respondent(s): M/s.S. Sridhar For R1

M/s.V.Ravi for R2 to R5

M/s. V. Chandrababu for R6

ORDER

The civil revision petition is filed challenging the order passed by the trial court allowing the application filed by the first respondent seeking to implead herself as a party plaintiff in the suit.

2. The petitioners/plaintiffs filed a suit seeking redemption of the mortgage dated 08.04.1986. The plaintiffs also sought for declaration that sale deed dated 12-6-2006 executed by first defendant in favour of defendants 3 and 4 was null and void and for permanent injunction restraining the defendants from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property.



3. It is the case of the plaintiffs that originally the property was allotted to the share of husband of 1st plaintiff and father of the plaintiffs 2 and 3 namely G.D.Ram in a family partition. The plaintiffs along with said G.D.Ram borrowed a sum of Rs.2,50,000/- from the 1st defendant and executed registered mortgage deed on 05-05-1986. It is further stated in the plaint that the mortgage debt was repaid by them and G.D.Ram died on 18-12-1993 leaving the plaintiffs as surviving legal heirs. It is further stated that without following proper procedure, the property was sold by first defendant in auction sale in favour of defendants 3 and 4 and the sale deed was executed in their favour. Therefore, the present suit has been filed by the petitioners/plaintiffs seeking above said relief.

4. The first respondent herein filed impleading petition seeking her impleadment as 4th plaintiff in the suit on the ground that she is a daughter of the first plaintiff and sister of plaintiffs 2 and 3. It was also stated that the entire mortgage debt was repaid by her father G.D.Ram and therefore, the right of redemption was also available to her. It is further stated that as a legal heir of G.D.Ram, she is also entitled to share in the suit property and the petitioners herein wantonly omitted her and filed a suit in her absence. Therefore, she sought for her impleadment as a party plaintiff in the suit. The said impleading application was allowed by the trial court and aggrieved by the same, the petitioners/plaintiffs have come before this court.



5. The learned counsel for the petitioners vehemently contended that if the first respondent claims any share in the property, at the most she can only come on record as party respondent and she cannot come on record as party plaintiff against the wish of the petitioners who laid the suit. In support of the said contention, the learned counsel relied on the judgment of the Hon'ble Apex Court in the case of ***Jahar Roy (dead) by L.R.'s and another Vs Premji Bhimji Mansata and another reported in 1977(4) SCC 562.***

6. The learned counsel for the contesting first respondent submitted that he will be satisfied if the first respondent is impleaded as one of the defendants in the suit. He is not insisting that the first respondent should be impleaded only as a party plaintiff. The said statement made by the learned counsel for the first respondent is recorded.

7. The first respondent herein claims that she is the legal heir of the deceased G.D.Ram and therefore, claims that she is entitled to share in the mortgaged property. The said question s to be decided at the time of trial based on the evidence to be let in by the parties. In view of the dispute raised by the first respondent, her presence is very much necessary for effective disposal of the suit. Therefore, this Court feels there is nothing wrong in impleading the first respondent as a party in the suit. However, the first respondent cannot insist that she should be impleaded as a party plaintiff as against the wish of the existing plaintiffs. Therefore, the order passed by the trial court is modified to the extent that the first respondent is directed to be impleaded as a 6th defendant



in the suit.

8. With this modification, the civil revision petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The XXI Additional City Civil Court, Allikulam.



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S.SOUNTCHAR, J.

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