



WEB COPY

CRP No. 1486 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1486 of 2026

and

CMP.No.7106 of 2026

1. Palanisamy (Man Missing) Mohan
Selvakumar
S/o. Palanisamy No. 59/70,
Kallampalayam Tiruppur Town, Tirupur
Dist. Palanathal (Died)

Petitioner(s)

Vs

1. Subbaraya Gounder (Deceased Sole
Plaintiff) 1. Rathinasamy
S/o. Late Subbaraya Gounder No. 1/10,
Kattur, Karapalayam, Tirupur, Tirupur
Dist.

2.Periyasamy
S/o. Late Subbaraya Gounder No. 1/10,
Kattur, Karapalayam, Tirupur, Tirupur
Dist.

3.Nageswari
W/o. Late. Ramasamy No. 1/10, Kattur,
Karapalayam, Tirupur, Tirupur Dist.

4.Sandeep
S/o. Late. Ramasamy No. 1/10, Kattur,
Karapalayam, Tirupur, Tirupur Dist.

5.Loganayaki
W/o. Ravichandran No. 18, Arul Jothi
Garden Bank Colony Extension
K.Chettipalayam Dharapuram Road
Tiruppur



6.Karthikeyan
S/o. Subramaniam Valasupalayam
Ganapathipalayam Village Palladam
Taluk Tiruppur Dist.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the Docket Order dated 24.11.2025 passed in I.A. No. 1 of 2025 in OS No. 76 of 2025 on the file of the Subordinate Court, Palladam, Tiruppur District.

For Petitioner(s): Mr.S.Sadasharam

For Respondent:

ORDER

The revision petitioner has filed this Civil Revision Petition, to set aside the Docket Order dated 24.11.2025 passed in I.A. No. 1 of 2025 in OS No. 76 of 2025 on the file of the Subordinate Court, Palladam, Tiruppur District.

2. Challenging the impugned order passed by the learned trial Judge in I.A. No.1 of 2025, the 2nd defendant has preferred this revision, seeking to set aside the order allowing impleadment based on an unregistered Will.

3. Before the trial court, a third party claiming himself to be the legal heir of the deceased plaintiff on the basis of an unregistered Will dated 21.09.2014 filed an application to implead himself as second plaintiff in the suit. The said application was allowed by the trial court without giving sufficient opportunity



to the other side, and the order passed is a non-speaking order. Aggrieved by the same, the present revision has been filed.

WEB COPY

4. The learned counsel for the revision petitioner pointed out that during the pendency of the suit, the impleading application in I.A. No. 1 of 2025 in O.S.No.76 of 2025 was filed by a third party claiming himself to be the legal heir of the plaintiff, and the same was allowed by the learned trial Judge by order dated 24.11.2025. On perusal of the order, it is seen that the trial court has ordered accordingly as follows:

“Business: After perusing the pleading and documents the following issues were framed.

1. Whether the sale deed dated 20.10.2004 is true, genuine and valid

2. Whether the will dated 21.09.2014 which was said to be executed by 1st Plaintiff is true, genuine and valid

3. Whether the plaintiff is entitled for the relief of specific performance

4. Whether the plaintiff is entitled for alternative relief for repayment of sum of Rs. 4,50,000/- along with interest

5. To What other reliefs The both parties directed to appear before this court as per section 89 of CPC for possibility of amicable settlement if any or to place evidence call on 23.06.2025. Since this case is more than 10 years old and as per order of Honble High Court in CRP.No. 520/2025 this case was directed to dispose within a period of 6 months. For trial or for settlement call on 23.06.2025.”

5. As rightly pointed out by the learned counsel for the revision petitioner, the proposed party claims himself to be the legal heir of the deceased plaintiff



based on an unregistered Will. Unless the Will is proved in the manner known to law, he cannot claim himself to be the legal heir. Without considering the said legal position, the learned trial Judge has simply allowed the application without assigning any reason. Therefore, the order passed in I.A. No. 1 of 2025 in O.S.No.76 of 2025, is liable to be set aside.

6. Accordingly, the order passed by the learned trial Judge in I.A. No. 1 of 2025 in O.S.No.76 of 2025, on the file of the Subordinate Court, Palladam, Tirupur District, is set aside. The learned trial Judge is directed to take I.A.No.1 of 2025 on file, give opportunity to both parties, and dispose of the application on merits in accordance with law and thereafter proceed with the trial.

7. Accordingly, the Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

12-03-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
rri



CRP No. 1486 of 2026



1.The Subordinate Court, Palladam,
Tiruppur District.

2.The Section Officer, VR Section,
High Court of Madras.



CRP No. 1486 of 2026



**T.V.THAMILSELVI J.
rri**

CRP No. 1486 of 2026

12-03-2026