



WEB COPY

CRP No. 1373 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 1373 of 2025 and
CMP.No.8135 of 2025**

1. R.S.Venkatesan

2.A.Rajakumaran

Petitioners

Vs

1. Dr.K.Subash
A.Kandapiraan (Died)

2.P.Ponnazhagan
S.Krishnasamy (Died)

3.Udumalpet Nadar
Uravin Murayar Sangam,
A registered society rep. by its
Secretary having its registered office at
31/81 Sathasivam Street, udumalpet
Taluk, Tiruppur District

4.Vivekanandan
S/o.U.V.Ramasamy Nadar, No.12,
Amanalinga Street,
The President Udumalai Nadar Uravin
Murayar Sangam, D.NO.12,
Amanalinga Street, Udumalpet Taluk,
Tiruppur District



5.C.Karuppusamy
S/o.Chinnasamy Nadar,
The Secretary, Udumalai Nadar Uravin
Murayar Sangam,
D.NO.67, Badrakaliamman Kovil
Street, Udumalpet Taluk, Tiruppur
District

6.N.Chandran
S/o.Natarajan Nadar,
The Treasurer, Udumalai Nadar Uravin
Murayar Sangam,
D.NO.7, Amanalinga Street, Udumalpet
Taluk, Tiruppur District

7.M.Natarajan
S/o.Murugesh Nadar, Ex-Secretary,
Udumalai Nadar Uravin Murayar
Sangam, NO.5/305, Madha Layout,
Udumalpet Taluk, Tiruppur District

8.K.Muthuvel
S/o.Kailasa Nadar,
Ex-Treasurer, Udumalai Nadar Uravin
Murayar Sangam,
NO.C.4, Ramasamy Nagar, Udumalpet
Taluk, Tiruppur District

9.N.Ramasamy

10.R.Leelavathi

11.R.Renugadevi

12.R.Duraisamy

13.M.Pavayammal

14.S.Vivek



15.K.Krishnamoorthy

16.K.Kumar

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17.The District Registrar
(Registrar of associations)
District Registrar office, Tiruppur

18.The Tahsildar
Taluk office, Udumalpet

19.The Commissioner
Udumalpet Municipality,
Municipal office, Udumalpet

20.The Assistant Director
(Director of Urban Development)
Commercial Complex,
Dr.Nanjappa Road, Coimbatore
R.Thangavel (Died)

21.S.Karthikeyan

22.P.Rajendran

23.P.Venkatachalam

24.T.Subramaniam

25.R.Nandhagopal

Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and Final order passed in IA No.2 of 2023 in OS No.71/2009 dated 21.09.2024 on the file of Subordinate Court, Udumalpet.

For Petitioner(s): N.Umapathi



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For Respondent(s): M/s.B.Kumarasamy for R1

Mr.R.Vigneswaran for R17,18&
20
Government Advocate (CS)

Mr.J.Daniel for R19
Government Advocate

Mr.M.Pugazhendhi for R4 to R7

ORDER



The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/defendants 19 & 21 seeking to transpose them as party plaintiffs in the suit.

2. The respondents 1 and 2 and deceased Kandapiraan and Krishnasamy filed a suit seeking declaration of 1st defendant society's title over the suit "B" Schedule Property and for consequential permanent injunction restraining the defendants 2 to 14 from creating any cloud over the title of suit "B" schedule property. The plaintiffs also sought for various declarations regarding the invalidity of compromise agreement dated 12-11-2006, sale agreement dated 12-11-2006, various sale deeds etc., The plaintiffs also sought for permanent injunction restraining the defendants 16 and 17 from issuing NOC with regard to 'B' schedule property. They also sought for injunction restraining the 18th defendant from issuing approval for the layout in suit 'B' schedule property. Subsequently, the petitioners were impleaded as defendants 19 and 21 in the suit. Now, the instant application has been filed by the petitioners seeking their transposition as plaintiffs in the suit. The said application was dismissed by the trial court. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners submitted that the petitioners are members of the first respondent Society and in order to protect the interest of the first respondent society, the petitioners shall be transposed as plaintiffs. 3. Order XXIII Rule 1-A of CPC says under what circumstances a defendant can



be transposed as a plaintiff. The same reads as follows.

“1A. When transposition of defendants as plaintiffs may be permitted.

Where a suit is withdrawn or abandoned by a plaintiff under Rule 1, and a defendant applies to be transposed as a plaintiff under rule 10 of Order I the Court shall, in considering such application, have due regard to the question whether the applicant has a substantial question to be decided as against any of the other defendants”.

4. A close perusal of the above provision would make it clear that where a plaintiff withdraws or abandons the suit claim, the defendant is entitled to apply for his transposition as plaintiff under Order 1 Rule 10 of CPC. In the affidavit filed in support of the petition for transposition, the petitioners have not stated anything about the plaintiffs in the suit. It is not the case of the petitioners in their affidavit that the plaintiffs want to withdraw the suit or abandon the suit claim. In such circumstances, the petitioners have not satisfied the essential ingredient of Order 23 Rule 1-A of CPC. Hence, they are not entitled to seek their transposition as a plaintiff in the suit. In view of the same, I do not find any error in the order passed by the trial court. Accordingly, the civil revision petition stands dismissed.

5. Taking into consideration the suit was of the year 2009, this Court is inclined to direct the trial court to dispose of the same as expeditiously as



possible. No costs. Consequently, the connected miscellaneous petition is closed.

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

To

1. The Subordinate Court, Udumalpet.

2. The District Registrar
(Registrar of associations) District
Registrar office, Tiruppur

3. The Tahsildar
Taluk office, Udumalpet

4. The Commissioner
Udumalpet Municipality, Municipal
office, Udumalpet

5. The Assistant Director
(Director of Urban Development)
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