



WEB COPY

CRP No. 2023 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2023 of 2024
and CMP.No.10823 of 2024**

Kothandam
S/o.late Srinivasa Pillai, NO.17, Athiyaman St,
Old Pallavaram, Chennai 117

..Petitioner(s)

Vs

1.Nandhagopal
S/o.Srinivasan (late) No.17, Athiyaman St, Old
Pallavaram, Chennai 117
2.Adhimoolam
S/o.Srinivasan (late) No.36, Athiyaman St, Old
Pallavaram, chennai 117.

3.Dhivya
D/o.Kumarasamy, 4/224, Erikkarai St,
Moovarasampet, Madipakkam, Chennai 91.

4.Madhumita
D/o.Kumarasamy, 4/224, Erikkarai St,
Moovarasampet, Madipakkam, Chennai 91.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decretal order dated 2.12.2023 made in IA.No.1/2022 in OS.No.4/2020 on the file of the Additional District Judge, Kancheepuram at Chengalpattu.

For Petitioner(s): MR.S.Thirumavalavan

For Respondent(s): MR.C.Umashankar FOR R1
R-2 TO R4 - NO APPEARANCE



ORDER

The Civil Revision Petition has been filed challenging the order dated 2.12.2023 made in IA.No.1/2022 in OS.No.4/2020 on the file of the Additional District Judge, Kancheepuram, Chengalpattu.

2. Before the Trial Court, the defendant filed an application under Order I Rule 9 of the Code of Civil Procedure seeking dismissal of the suit on the ground of non-joinder of necessary parties. The said application was dismissed by the Trial Judge, holding that the issue can be decided only after the conclusion of the trial. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. Admittedly, the respondent/plaintiff has filed the suit for partition. The revision petitioner/defendant has filed a written statement, wherein he has raised the issue of non-joinder of necessary parties. Issues have also been framed in this regard. At the stage of trial, the defendant filed the present application seeking dismissal of the suit on the said ground. However, the Trial Court dismissed the application, observing that the issue can be decided only at the time of final adjudication.

4. In the considered opinion of this Court, the said finding does not warrant any interference.



5. However, liberty is granted to the defendant to raise all grounds, including the plea of non-joinder of necessary parties, before the Trial Court.

The Trial Court is also directed to frame an appropriate issue with regard to non-joinder of necessary parties, if not already framed, and proceed with the trial in accordance with law. Liberty is also granted to the plaintiff to raise all necessary contentions before the Trial Court.

6. In the result, this Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

17-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The Additional District Judge, Kancheepuram at Chengalpattu.
2. The Section Officer, V.R.Section, High Court, Madras.



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T.V.THAMILSELVI, J.

MPA

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