



WEB COPY

CRP No. 2306 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

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

CRP No. 2306 of 2024 & CMP.No.12147 of 2024

T. Deivasigamani
S/o.Thangavel, No.4/136, Sellikadi Thottam,
Kaliyanur Village, Elayampalayam Post,
Kumarapalayam Tk., Namakkal Dist.

..Petitioner(s)

Vs

1. Maheswaran
S/o.Somasundaram, No.313 Kumarapalayam
Main Road, Avathipalayam, Kaliyanoor,
Pallipalayam Agraharam, Kumarapalayam Tk.,
Namakkal Dist.
2. Somasundaram
S/o.Subarayagounder, No.3/297A Kottamedu
Thottam, Pallipalayam Agraharam,
Kumarapalayam Tk., Namakkal Dist.
3. The District Collector
O/o. District Collector, Namakkal District,
Namakkal.
4. The Revenue Divisional Officer
Tiruchengode, Vellore Road, Tiruchengode Tk.,
Namakkal Dist.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India
to set aside the fair and decreetal order dated 15-12-2023 made in IA.No.1/2021



in OS.No.87/2021, passed by the District Munsif Court, Kumarapalayam and thus render justice.

For Petitioner(s): Mr.B.Jawahar

For Respondent(s): Mr. C.Sathish, Government Advocate – R3 & R4

ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.1 of 2021 in O.S.No.87 of 2021, the present Civil Revision Petition has been preferred by the plaintiff.

2. The petitioner/plaintiff filed the suit for declaration that the plaintiff is the absolute owner of the suit property, consequential injunction and for declaration that the Order passed by the third defendant dated 01.07.2010 is illegal and void and not enforceable before a Court of law and consequential permanent injunction against the third defendant from passing any Orders in Na.Ka.3223-9 till disposal of the suit. Pending suit, the proposed party has filed an application to implead him in the suit stating that the first defendant in the suit is his father and he is contesting the suit through an advocate and as there is dispute between the first defendant and the petitioner and as the father of the petitioner had colluded with the plaintiff and acting against the interest of the



petitioner and as the petitioner is also having right in the suit property, he wants to be implead himself as the fourth defendant in the suit and to file written statement. The plaintiff had filed counter in the said application stating that there is no cause of action against the petitioner to implead him in the suit and that the application has been filed only to delay the proceedings. Considering the submission on either side, the trial Court had allowed the application. Aggrieved over the same, the plaintiff had filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that the father of the first defendant one Subbaraya Gounder for himself and on behalf of this minor sons Raja Gounder and Somasundaram [first defendant] had sold the property to one Palaniappa Gounder with specific boundaries. The said sale deed has not been challenged by the original vendor/ first defendant till date. Thereafter, the said Palaniappa Gounder had sold the property to one Arumugha Gounder and from the said Arumugha Gounder, the plaintiff had purchased the suit property for valid consideration on 08.09.2005. Thereafter, sub division has also been effected. After the said purchase, the plaintiff is in possession and enjoyment of the property besides partition has also been effected in his family. After the purchase made by the plaintiff, there was a partition in the first defendant family. Therefore, the son of the first defendant, namely, the proposed party is not a necessary party to the suit and he has no right and title to



claim share in the suit property which was purchased by the plaintiff in the year 2005 for valid consideration. Hence, prayed to set aside the Order of the trial Court.

4. A perusal of the records reveal that there was a partition among the family members of the first defendant subsequent to the purchase of the suit property by the plaintiff. Further the proposed party has not stated any justifiable reason for impleading him in the present suit. The father of the proposed party, the first defendant herein, is contesting the suit. Therefore, the proposed party is not a necessary party to the suit. The trial Court without considering all these aspects had erroneously allowed the application and the same has to be set aside.

5. Accordingly, this Civil Revision Petition is allowed and the Order passed by the trial Court in I.A.No.1 of 2021 in O.S.No.87 of 2021 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

12-03-2026

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

vrc



To

1. The District Munsif,
Kancheepuram.
2. The District Collector
O/o. District Collector, Namakkal District, Namakkal.
3. The Revenue Divisional Officer
Tiruchengode, Vellore Road, Tiruchengode Tk., Namakkal Dist.



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T.V.THAMILSELVI, J.

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