



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 2371 of 2022 & 1791 of 2023

and

C.M.P.Nos.12206 of 2022 & 11595 of 2023

Parvathy Ammal
W/o. Krishnan,
Veliyambakkam Village and Post,
Madurantagam Taluk,
Chengalpet District.

..Petitioner in both
CRPs(s)

Vs

1. Elumalai Pillai
S/o. Arumugam,
Veliyambakkam Village and Post,
Madurantagam Taluk,
Chengalpet District.
2. Ganapathi Pillai
S/o. Arumugam, Veliyambakkam Village and
Post, Madurantagam Taluk, Chengalpet
District.

..Respondents in both
CRPs(s)

Prayer in CRP.No.2371 of 2022: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow the above Civil Revision Petition by setting aside the Fair and Decretal order dated 21.04.2022 passed in IA No.3 of 2021 in OS No.176/2016 on the file of the District Munsiff Court, Madurantagam.

Prayer in CRP.No.1791 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order



dated 30.03.2023 passed in IA.No. 6 of 2022 in OS.No. 176 of 2016 on the file of the District Munsif Court, Madurantagam.

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For Petitioner(s): Mr.K.Govi Ganesan
(in both CRPs)

For Respondent(s): Mr.M.S.Subramaniam
(For R1 & R2)
(in both CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the Fair and Decretal orders dated 21.04.2022 and 30.03.2023 passed in IA Nos.3 of 2021 and 6 of 2022 in OS Nos.176/2016 on the file of the District Munsiff Court, Madurantagam.

2. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.M.S.Subramaniam, learned counsel for the respondents 1 and 2.

3. The learned counsel for the petitioner would submit that the first respondent had originally filed a suit for bare injunction, claiming that he is in possession of the suit schedule property, which is a Grama Natham, and that a patta had been granted in his name. The petitioner had contested the suit by filing a written statement, stating that the property absolutely belongs to her. She has purchased the same by a registered sale deed dated 20.09.1995. He



would further submit that the petitioner and the respondents are neighbours and their properties have been clearly demarcated by a fence between their properties. However, on the strength of a partition deed, which was registered in the year 2010, the first respondent filed an application to implead the second respondent as a party plaintiff to the suit and the same has been permitted by the Court. He would vehemently contend that the suit came to be filed in the year 2016, claiming that the first respondent is the owner of the property, having been in possession of the Grama Natham for which patta had been granted. The partition deed that is sought to be relied on was of the year 2010 between the first and the second respondent and, if that is true, then there is suppression of material facts in the plaint, which itself is a reason to dismiss the suit.

4. He would further submit that if the second respondent had any right, he could file an independent suit against the original owner of the property and since the petitioner is not a party to the same, the suit also suffers from non-joinder of parties. Hence, he seeks the indulgence of this Court.

5. Countering his arguments, the learned counsel for respondents 1 and 2 would submit that during the cross-examination of the first respondent, it was the petitioner, who had introduced the document of partition, trying to dislodge the plaint filed by the first respondent. Hence, it had necessitated to implead the second respondent as a party plaintiff to the suit for effective adjudication and



in the interest of justice. He would further submit that the petitioner cannot be allowed to contest the impleadment by contending that the second respondent could always file an independent suit, which would only amount to multiplicity of proceedings, which is against public policy. Hence, he seeks dismissal of the revisions.

6. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. The petitioner had approached this Court, challenging the order of impleadment and the consequential amendment that was allowed, in the revision petitions. The petitioner had assigned various reasons, which touched upon the merits of the case and hence this Court refrains itself from entering upon such merits, which may have an effect on the rights of the parties in contesting the suit.

8. A primordial contention had been raised by the petitioner with regard to the right of the second respondent to file an independent suit based upon the partition that has taken place between the first and the second respondent. As rightly pointed out by the learned counsel for the respondents, if such a contention is allowed or permitted, it would only amount to multiplicity of proceedings. If the parties are added in the same suit, the *lis* can be concluded,



which is beneficial to the parties. It is not only beneficial to the parties but also for other litigants, who had approached the Court in taking up their *lis*.

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9. For the aforesaid reasons, this Court do not find any merit in the revision petitions and accordingly, both the revision petitions stand dismissed.

10. Considering the fact that the suit had been filed as early as in the year 2016, the Court below is directed to dispose of the suit within a period of six (6) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

18-03-2026

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

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To

The District Munsiff Court,
Madurantagam.



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CRP No. 2371 of 2



K.KUMARESH BABU J.

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