



WEB COPY

CRP No. 3237 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

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

CRP No. 3237 of 2025

1. K.S.Ramanujam

2. Sudha Vasudevan

..Petitioner(s)

Vs

K.Mumtaj

..Respondent(s)

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.04.2025 in I.A. No. 8 of 2024 in OS No. 273 of 2024 on the file of the Additional District Judge, Hosur.

For Petitioner(s): Ms.AL. Gandhimathi
Senior Counsel
for Mr.C.T.Murugappan

For Respondent(s): Ms.Vasudha Thiagarajan
for Mr.R.Thiagarajan

ORDER

Challenging the impugned order passed in IA No.8 of 2024 in OS No.273 of 2024 dated 02.04.2025 on the file of the Additional District Judge, Hosur, the plaintiff and defendant have preferred the present revision petition.



2. Before the trial court, the respondent filed an application to implead the petitioner as second defendant in the suit, since she purchased the property to an extent of 5 acres 90 cents in S.No.56/1 which is shown as Item no.9 of the suit schedule property.

3. The learned counsel for the revision petitioner submits that it is the suit between the brother and sister in respect of the partition of their family properties in which the third party / respondent has no manner of right to cause interference by filing impleading application. Without considering the facts of the relief claimed in the suit, the trial judge has erroneously allowed the said application and hence prays to dismiss the interim order.

4. The learned counsel for the respondent submits that she purchased the property to an extent of 5 acres 90 cents in S.No.56/1 which is shown as Item no.9 of the suit schedule property and therefore she is necessary party to the suit proceedings. Further, she submits that already revenue officials conducted an enquiry in respect of granting patta and purchase of this petitioner / proposed respondent was also taken note and now it was restored by issuing patta. Therefore, she is necessary party since portion of the property is involved in one of the suit property.



5. The learned counsel for the revision petitioner submits that now the revenue officer restored the patta in her name, but as on date the sale deed in favour of the respondent in respect of the item no.9 of the suit property. But the fact also reveals that now the preliminary decree was passed and final decree application is pending. Before the trial court they submitted the decree and based on that the properties are to be divided into two equal shares and another suit filed by the first revision petitioner in O.S. No.220 of 2024 pending before the Subordinate Court, Hosur, in respect of the purchase made by the respondent herein and prayer sought in the suit is to declare a sale deed standing in the name of the respondent as null and void. But admittedly the said suit was filed prior to the present suit numbered as O.S. No.220 of 2024 and thereafter only the present suit was filed. Both the suits ought to have been tried jointly. But the plaintiff now, by submitting the decree, attempted to divide the suit properties. But in the Item No.9 of suit property the respondent claimed that she purchased a portion of the property. Therefore, she is necessary party to the proceedings. Therefore, the order passed by the trial judge requires no interference. Now both the suit are directed to be tried simultaneously in order to avoid the multiplicity of proceedings and therefore, this court suomotu gives direction to the Sub Court. Both the parties are entitled to go for trial in that suit also. But however to implead him as necessary party to the proceedings, therefore, is not sustainable. The order of the trial judge requires no interference.



6. Accordingly, this Civil Revision Petition stands dismissed, confirming the order dated 02.04.2025 made in I.A.No.8 of 2024 in CS.No.273 of 2024, on the file of the Additional District Judge, Hosur. Both the parties are directed to cooperate with the trial proceedings. The trial judge is directed to disposed of the case within a period of four months from the date of receipt of a copy of this order. No costs.

01-04-2026

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

MTL

To

1. The Additional District Judge, Hosur.



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CRP No. 3237 of 2



T.V.THAMILSELVI, J.

MTL

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