



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

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

CRP No. 3209 of 2025 & CMP.No.17784 of 2025

P. Palanichamy
S/o. Late Ponnusamy Gounder, Res. at
Chinnakkampalayam Village, Dharapuram Taluk,
Tiruppur District.

..Petitioner(s)

Vs

1. P.Prabu
S/o. Palanisamy Gounder, Res. at D.No.30/69
South Street, Chinnakampalayam Village,
Dharapuram Taluk, Tiruppur District.
2. Mayilathal
W/o. Sivanmalaiappan, Res. at Otankadu
Thottam, Chinnapudhur Post, Chinnapudhur,
Dharapuram Taluk, Tiruppur District.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and final order dated 18.12.2023 passed in IA No.5 of 2023 in IA NO.1 of 2022 in OS No.273 of 2021 on the file of the Sub Court, Dharapuram at Tiruppur District.



For Petitioner(s): Mr.Ma.P. Thangavel

For Respondent(s): Mr.C.Prakasam

ORDER

Challenging the impugned Order passed in I.A.No.5 of 2023 in I.A.No.1 of 2022 in O.S.No.273 of 2021, the present Civil Revision Petition has been preferred by the proposed third party.

2. The plaintiff/1st respondent had filed the suit for partition of the suit properties into two equal shares and allot one such share to the plaintiff and for consequential permanent injunction. In the suit, a preliminary decree has been passed in favour of the plaintiff. Based on the said preliminary decree, the plaintiff had filed an application in I.A.No.1 of 2022 in O.S.No.273 of 2021 for passing of final decree. When the said application is pending, the petitioner had filed an application to implead him in the suit and the said application has been dismissed by the trial Court. Aggrieved over the same, the present Civil Revision Petition has ben preferred by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the revision petitioner had earlier filed a suit in O.S.No.639 of 2019 before the



Additional District Court, Dharapuram for relief of declaration of the sale deeds in respect of the suit properties as null and void and for partition and consequential injunction. The said suit has been filed against 38 defendants and mother and sister of the plaintiff are arrayed as defendant 9 and 10 in the suit and during the pendency of the suit, they had executed a sham and nominal settlement deed in favour of the first respondent herein on 02.06.2020 based on the sale deed dated 19.01.1983 which by itself was under challenge in the said suit. Hence, the petitioner had filed an application to implead him in the present suit. The said application has been dismissed by the trial Court stating that he is not a necessary party to the proceedings.

4. It is the contention of the petitioner that pending suit in O.S.No.639 of 2019, the properties were settled in favour of the first respondent herein by the Defendant Nos. 9 and 10 in the said suit which is illegal and if the petitioner is not impleaded in the present suit, it will lead to multiplicity of proceedings. Admittedly, the sale deed stands in the name of Lakshmi and Mayilathal and they had settled the property in favour of the first respondent. Therefore, pending suit in O.S.No.639 of 2019, a preliminary decree has been passed in O.S.No.273 of 2021. Further as on date the sale deed standing in the name of Mylathal and Lakshmi has not been cancelled. If at all the petitioner is aggrieved, he is entitled to implead necessary party in the suit filed by him in O.S.No.639 of 2019. Further, the petitioner is a stranger to the final decree



proceedings and as such the petitioner is not entitled to claim right in the final decree proceedings. Hence, the Order of the trial needs no interference.

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5. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The Subordinate Judge,
Dharapuram.



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CRP No. 3209 of 2



T.V.THAMILSELVI, J.

VRC

CRP No. 3209 of 2025

12-03-2026