



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos.106 & 112 of 2024

C.M.P.No.551 of 2024

In Both C.R.P.s:-

Sekar

..Petitioner(s)

Vs

- 1.Mohan
- 2.Subramanian
- Kadar Gous Sayabu (died)
- 3.Hameedkhan Sayabu
- 4.Janmabeevi
- 5.Sadiq Basha
- 6.Rahmath Beevi
- 7.Mubarak
- 8.Sadam Usen

..Respondent(s)

Prayer in C.R.P.No.106 of 2024:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to allow this revision petition and set aside the fair order and decretal order dated 25.09.2023 passed in I.A.No.164 of 2023 in O.S.No.2 of 2009 on the file of the Additional District Munsif Court, Chidambaram.

Prayer in C.R.P.No.112 of 2024:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to allow this revision petition and set aside the fair order and decretal order dated 25.09.2023 passed in I.A.No.163 of 2023 in O.S.No.2 of 2009 on the file of the Additional District Munsif Court, Chidambaram.

In Both C.R.P.s:-

For Petitioner(s):

Mr.Gururaj for
Mr.D.Baskar

For Respondent(s):

Mr.Mohan (R1 – Party – in – person)



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COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the trial Court allowing the applications filed by the plaintiff seeking to delete item Nos.2 to 5 of the suit properties and to delete the name of first defendant from the array of parties.

2.The first respondent herein filed a suit for declaration that he has got 1/3rd share in the suit item Nos.2, 3, 4 and 5 and for consequential injunction restraining the first defendant from interfering with his peaceful possession and enjoyment of the suit properties. He also sought for a prayer seeking declaration of his title over item No.6 of the suit property and he also sought for a declaration of recovery of possession in respect of suit item No.6. The suit was initially decreed in part in respect of item No.6. The suit was dismissed in respect of item Nos.2 to 5. Aggrieved by the said judgment, the petitioner / second defendant and the first respondent / plaintiff filed two appeals in A.S.Nos.80 & 57 of 2020 on the file of II Additional District Court, Chidambaram. The First Appellate Court set aside the judgment passed by the trial Court and remanded the matter with direction to implead necessary parties and to survey the properties with the help of surveyor and earmark the actual location of the suit properties. After remand, the suit was taken up for hearing



before the trial Court. The first respondent / plaintiff filed two applications. One is to delete the first defendant from the array of parties and the other is to delete item Nos.2 to 5 from the plaint description. Both these applications were allowed by the trial Court. Aggrieved by the same, the petitioner herein / second defendant in the suit has come by way of these petitions.

3.The learned counsel for the petitioner would submit in the remand order the First Appellate Court directed the plaintiff to implead the necessary parties and measure the suit properties with the help of surveyor and in the light of the said direction, plaintiff is not entitled to delete first defendant and item Nos.2 to 5 from the description of the plaint schedule.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.A perusal of the Appellate Court judgment would indicate the finding rendered with regard to non-joinder of necessary party is only in respect of item Nos.2 to 5 as seen from paragraph No.36 of the appellate Court judgment. It is not in dispute that the petitioner / second defendant is interested only in Item No.6 of the suit property. He has no complaint over item Nos.2 to 5. The first respondent /plaintiff is not seeking any liberty to file fresh suit. He simply wants to delete the first defendant from the array of parties and also wants to delete



item Nos.2 to 5 from the suit schedule. When the petitioner herein is not having any interest over the items sought to be deleted from the plaint schedule, he is not aggrieved by the order impugned in these Civil Revision Petitions and he is not entitled to maintain the Civil Revision Petitions.

6.Further, the first defendant who is sought to be deleted from the array of parties made an endorsement before the trial Court that he had no objection for allowing the applications. When the petitioner is not able to show any prejudice due to the deletion of first defendant from the array of parties and deletion of the items over which he has no interest, this Court is not inclined to accept the submissions made by the learned counsel for the petitioner and accordingly both the Civil Revision Petitions stand dismissed by confirming the order passed by the trial Court in I.A.Nos.163 & 164 of 2023 in O.S.No.2 of 2009. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23-01-2026

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

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To
The Additional District Munsif Court,
Chidambaram.



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S.SOUNTHAR, J.

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**CRP Nos.106 & 112 of 2024
C.M.P.No.551 of 2024**

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