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CMP No. 275 of 2026 in CRP.No.4726 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CMP No. 275 of 2026 in

CRP.No.4726 of 2025

Mr.D.J.Gokulnath

Rep.by as Trustee on behalf of Trust "Family Tree
Trust" Situated at New 51/25, Sannathi St,
Villivakkam,
Chennai 49, Errukencherri,
Chennai 118.

..Appellant(s)

Vs

1.M.D.Jayakumar

2.G. Shanthi

Maragadam (Deceased)

3.G. Thilagavathy

4.Malathy

5.B.Chitra

..Respondent(s)

Prayer in CMP No. 275 of 2026 :- The civil miscellaneous petition is filed under Section 151 of CPC, praying to implead the Petitioner/ Proposed respondent as respondent in CRP.No. 4726/2025, pending disposal of the above CRP.

Prayer in CRP.Sr.No.4726 of 2025 :- Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 07.08.2025 in I.A.No.1 of 2022 in O.S.No.5737 of 2011 on the file of the



learned XIII Assistant City Civil Court, Chennai.

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For Appellant(s):
For Respondent(s):

M/s.T.Thangamani
Mr.M.Ramesh for R2
Mr.B.Chandran for R1
Mr.M.Pragadeeswaran for R3 to R5

ORDER

The instant application has been filed by a third party trust seeking to implead it as a party in the civil revision petition.

2. The main civil revision petition has been filed by the 1st respondent challenging the order passed by the trial court at the instance of the 2nd respondent in impleading petition/plaintiff seeking appointment of Advocate Commissioner to conduct sale of the suit properties as the same was found to be indivisible.

3. It is seen from the affidavit filed in support of the impleading petition, the petitioner claims that the property belongs to a trust called “Family Tree Trust” and without impleading the petitioner trust, the plaintiff collusively filed a partition suit and obtained preliminary decree for partition. It is further stated that during the final decree proceedings, the properties are ordered to be auctioned as it was found to be indivisible. It is seen from the typed set of papers filed by the impleading petitioner, the family trust deed came into existence only on 09.09.2016. The preliminary decree in the partition suit was passed as early as 23.12.2011. Therefore, it is clear that the trust came into



existence only in the year 2016 subsequent to the passing of the preliminary decree. In such circumstances, the petitioner is not entitled to get impleaded as a party in this revision.

4. It is also brought to the notice of this Court that the petitioner already filed an application for impleadment before the trial court and the same was returned as unsustainable by order dated 20.01.2026. In view of the same, this court is not inclined to order the impleading application. Accordingly, the civil miscellaneous petition is dismissed.

5. List the civil revision petition for hearing on 16.03.2026.

10-02-2026

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To

The XIII Assistant City Civil Court, Chennai.



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S.SOUNTHAR, J.

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