



C.R.P. (MD) No. 276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 276 of 2024

and

C.M.P. (MD) No. 1286 of 2024

Vellaiyan (Death)

Loganathan

... Petitioner

-VS-

Kanagampal (Dead)

Praglathan

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 13.09.2023 made in I.A.No. 1 of 2019 in O.S. No. 351 of 2012 on the file of the Additional District Munsif, Lalgudi and set aside the same.

For Petitioner : Mr. V.R.Shanmuganathan

For Respondent : Ms. K.Vidya



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C.R.P. (MD) No. 276 of 2024

ORDER

This Civil Revision Petition challenges the order dated 13.09.2023 made in I.A.No. 1 of 2019 in O.S. No. 351 of 2012 on the file of the Additional District Munsif, Lalgudi (hereinafter referred to as “Trial Court” in short).

2. The parties are hereinafter referred to as by the description in the proceedings in O.S. No. 351 of 2012 before the Trial Court for the sake of clarity and convenience.

3. Heard Mr. V.R.Shanmuganathan, Learned Counsel for the Petitioner and Ms. K.Vidya, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

4. The suit had been filed for partition. The First Plaintiff had claimed to be the son of the First Defendant. The First Defendant had already executed the settlement deed and transferred the property in favour of the Second Defendant. On the death of the First Defendant, the suit had been dismissed against him for not taking steps. However, the suit continues to be on file, as the Second Defendant is effectively contesting the matter.



C.R.P. (MD) No. 276 of 2024

5. Rule 10 of Order XXII of the Civil Procedure Code, 1908, clearly shows that the right of a transferee to be impleaded as a party to the proceedings and to be heard before any order is made. It can be read with Section 146 of the Civil Procedure Code, 1908.

6. In view of the aforesaid legal position, question of filing any application to set aside the abatement and condoning the delay would not have arisen. In such circumstances, the impugned order dated 13.09.2023 being unnecessary is set aside. It is made clear that nothing shall prejudice either of the parties. The Trial Court shall proceed with the matter in accordance with law.

In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2026

Index : Yes/No

NCC : Yes/No

Indu

To

1. The Additional District Munsif, Lalgudi.

2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P. (MD) No. 276 of 2024

N.SENTHILKUMAR, J.

Indu

C.R.P. (MD) No. 276 of 2024

21.01.2026