



C.R.P.(MD)No.197 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.197 of 2026

and

C.M.P.(MD)No.787 of 2026

Jeevanandham

... Petitioner

-VS.-

Peri.Periyannan (Late)

1.Mahendran

2.The Tahsildar,
Devakottai.

3.The Revenue Divisional Officer,
Devakottai.

4.The District Collector,
Sivagangai.

...Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records and set aside the fair and decretal order, dated 28.11.2025 passed in I.A.No.6 of 2025 in A.S.No.19 of 2017 on the file of the Subordinate Court, Devakotai, Sivagangai District.

For Petitioner	:Mr.D.Senthil for Mr.V.Malaiyendran
For R1	:Mr.V.R.Shanmuganathan
For R2 to R4	:Mr.F.Deepak Special Government Pleader

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Devakotai, Sivagangai District, in I.A.No.6 of 2025 in A.S.No.19 of 2017, dated 28.11.2025.

2.Heard Mr.D.Senthil, learned Counsel representing Mr.V.Malaiyendran, learned Counsel for the Revision Petitioner, Mr.V.R.Shanmuganathan, learned Counsel for the first respondent and Mr.F.Deepak, learned Special Government Pleader for the respondents 2 to 4.



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3.Originally, a suit was filed by the father of the first respondent in O.S.No.138 of 2014 and after the demise of his father on 10.01.2017, the first respondent impleaded himself in the suit and prosecuted the same. The suit was dismissed and as against the same, the first respondent has filed an appeal in A.S.No.19 of 2017 and the same was dismissed on 02.02.2018 and challenging the same, a Second Appeal in S.A.(MD)No.139 of 2018 was filed, wherein, this Court had remanded the matter to the first appellate Court.

4.When the matter stood thus, the petitioner herein, who is a third party to the suit as well as the appeal suit, claiming his right over the suit property contending that the suit property is his ancestral property, filed an application in I.A.No.06 of 2025 to implead himself in the first appeal. The learned Subordinate Judge, Devakotai, Sivagangai District, vide impugned order, dated 28.11.2025 had dismissed the said application on the ground that there is no *locus standi* for the petitioner to file an impleading application and also on the ground of delay and laches. Challenging the same, the present Civil Revision Petition has been filed.



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5.The learned Counsel for the petitioner submitted that the suit property is the ancestral property of the petitioner and that the petitioner is also a co-owner of the suit property. However, without even impleading the petitioner herein, as a party defendant in the said suit, the first respondent with a *mala fide* intention has filed the suit to grab the suit property claiming his exclusive right over the said property. Hence, the suit is not maintainable for non-joinder of necessary party. Since the petitioner herein is residing in the place of employment, it was not brought to his knowledge about the filing of the suit and it was known to him only after remanding the first appeal by this Court in the Second Appeal, he has filed the present application. However, the first appellate Court, without considering the averments as well as the documents produced by the petitioner, has erroneously dismissed the application filed by the petitioner, which is *per se* illegal and seeks interference of this Court.

6.*Per contra*, Mr.V.R.Shanmuganathan, learned Counsel for the first respondent submitted that though the revision petitioner pleads that he is the co-owner and is in joint possession of the property, he never made any attempt



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to prosecute the case, which was pending in O.S.No.128 of 2014 and never got impleaded to prosecute the same and remained silent as a fence sitter. Further, the petitioner has not produced any document to show where he had been residing during the pendency of the proceedings and he simply stated that he is residing in his place of employment, which cannot be accepted by any Court of law. He also submitted that the first appellate Court, after carefully considering the entire facts and the materials available on record, has rightly dismissed the application filed by the petitioner, which does not warrant interference of this Court and seeks dismissal of the present Civil Revision Petition.

7.Mr.F.Deepak, learned Special Government Pleader submitted that there is no dispute with regard to the classification of the suit property as natham poramboke and the petitioner is not a necessary party to the appeal.

8.This Court considered the submissions made on either side and perused the materials available on record.



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9. Admittedly, the first respondent is the plaintiff in the suit and as the suit was dismissed, he has filed an appeal, which also came to be dismissed. In the appeal filed before this Court, this Court has remanded the matter to the first appellate Court for fresh consideration. During the pendency of the first appeal, the petitioner, who is a third party to the appeal as well as the suit, has filed an application to implead himself in the appeal as a party defendant in the suit.

10. As rightly contended by the learned Counsel for the first respondent, the petitioner has not produced any single document to prove that he has no knowledge about the filing of the suit. Further, it is the petitioner's contention that he is residing in his place of employment and he also contended that he is the proper and necessary party to the appeal, as he is also one of the co-owners of the suit property. However, the petitioner remained silent for the past 11 years and after the inordinate delay of 11 years from the date of filing of the suit, he has filed the present application, which cannot be entertained at this stage. On a perusal of the impugned order passed by the first appellate Court, this Court does not find any infirmity or irregularity.



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11.In the result, the Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

18.02.2026

NCC :Yes/No
Index :Yes/No

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To

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3.The Revenue Divisional Officer,
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N.SENTHILKUMAR, J.

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