



C.R.P.(MD)No.603 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.603 of 2026

and

C.M.P.(MD)No.2814 of 2026

N.Sivakumar

... Petitioner

vs.

1.Srimathi

2.Muthulakshmi

3.T.Paramasivan

4.Pappa @ Mandhiram

5.Muthammal

6.Chithirai

7.Kumar

8.Mayandi

9.Gomathi Nayagam

10.Sundar

11.Balasubramanian

... Respondents

1/6



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PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order, passed by the learned Principal District Judge, Tirunelveli, in I.A.No.7 of 2025 in O.S.No.109 of 2021, dated 27.10.2025 and allow this Civil Revision Petition.

For Petitioner : Mr.A.Sankararamasubramanian

ORDER

This Civil Revision Petition challenges the order passed by the learned Principal District Judge, Tirunelveli, in I.A.No.7 of 2025 in O.S.No.109 of 2021 dated 27.10.2025.

2. The Civil Revision Petitioner is the first defendant in the suit. There is no dispute regarding the relationship between the parties. The first respondent/plaintiff is the daughter of one Nambirajan. The Civil Revision Petitioner is the son of the said Nambirajan. The plaintiff came forward seeking partition of the properties which had been left behind by Nambirajan, to which, the plaintiff and the defendants succeeded on his death.



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3. The Civil Revision Petitioner/1st defendant took a plea that the properties, which had been divided orally between Nambirajan and his siblings, had not been included in the schedule of properties. Accordingly, the plaintiff filed an application in I.A.No.6 of 2025 to amend the plaint and to include the properties allotted to Nambirajan, in the oral partition, in the schedule to the suit. This application came to be allowed on 24.06.2025. Thereafter, the plaintiff filed an application in I.A.No.7 of 2025 under Order I Rule 10(2) of CPC and Section 151 of CPC seeking to implead the siblings of Nambirajan. The learned Principal District Judge dismissed the petition, hence this revision.

4. I heard Mr.A.Sankararamasubramanian, who reiterated the contentions that were placed before the Trial Court. His specific plea is that, in the event of the suit being decreed, there is a possibility of the proposed parties opposing the partition and initiating fresh proceedings for partition. Hence, he submits that it is necessary to implead the siblings of Nambirajan as parties to the suit.



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5. I have carefully perused the materials available on record.

6. The suit for partition is for the assets left behind by the deceased Nambirajan. Nambirajan had been allotted certain properties, in the oral partition, between himself and his siblings. Once the property is divided and allotted to Nambirajan, none of the siblings can have any semblance of right over the same. Parties must be impleaded to a suit only when their presence is indispensable for the Court to pass an effective decree. In the proceedings initiated for partition of the assets left behind by the deceased Nambirajan, the presence of his siblings is absolutely unnecessary.

7. The reason given by the learned Principal District Judge, Tirunelveli, in paragraph No.6 of the order is unimpeachable. He has applied the correct principle of law to the facts of the case and concluded that the attempt made by the petitioner to implead the siblings of the deceased Nambirajan in a suit for partition of Nambirajan's assets is misconceived. I find no reason to take a different view from that taken by the learned Principal District Judge, Tirunelveli.



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8. Hence, this Civil Revision Petition is dismissed. Consequently,
the connected Miscellaneous Petition is closed. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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Indu

To:

The Principal District Court, Tirunelveli.



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V.LAKSHMINARAYANAN, J.

Indu

Order made in
C.R.P(MD)No.603 of 2026

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