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C.R.P.(MD)No.642 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.642 of 2023

and

C.M.P.(MD)No.2972 of 2023

N.Devadhasan

... Petitioner

-VS.-

1.Rajamony
2.Chandra Bose
3.Sekhar
4.Satheesh
5.Vedamuthu
6.Thankam
7.Jayan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order of the learned II Additional District Munsif, Kuzhithurai, in I.A.No.4 of 2021 in O.S.No.419 of 2010, dated 10.09.2022 and direct to implead the petitioner as additional defendant in the case.

For Petitioner	:Mr.S.Titus
For R2 to R4	:Mr.K.N.Thambi
For R5 to R7	:Ms.Affrin Fathima
	Legal Aid Counsel



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ORDER

The present application has been filed challenging the order passed by the learned II Additional District Munsif, Kuzhithurai, in I.A.No.4 of 2021 in O.S.No.419 of 2010, dated 10.09.2022 and seeking a direction to implead the petitioner as additional defendant in the case.

2.Heard Mr.S.Titus, learned Counsel for the petitioner, Mr.K.N.Thampi, learned Counsel for the respondents 1 to 4 and Ms.Affrin Fathima, learned Counsel for the respondents 5 to 7.

3.The respondents 1 to 4, as plaintiffs, have filed a suit in O.S.No.419 of 2010 before the II Additional District Munsif Court, Kuzhithurai, against the respondents 5 to 7, for declaration of title and for other reliefs. During the pendency of the suit, the petitioner, who is a third party to the suit, has filed an application under Order I Rule 10(2) of the CPC to implead him as 4th defendant in the suit. The learned II Additional District Munsif, Kuzhithurai, vide impugned order, dated 10.09.2022, had dismissed the said application on the ground that the present application has been filed at the final disposal



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stage. Challenging the same, the present Civil Revision Petition has been filed.

4.The learned Counsel for the petitioner submitted that a portion of the suit property in S.No.1504A was allotted to his father as per the judgment in O.S.No.1101/1969, wherein, 1/6th share was allotted to the 16th defendant/the father of the petitioner. After his demise, the portion of 3.513 cents was devolved to the petitioner as legal heir. Accordingly, he got supplementary preliminary decree in I.A.No.128/2016. However, in the interregnum, the present suit has been filed without impleading the petitioner as a party to the suit. Hence, the petitioner has filed the present application, however, without considering the aforesaid facts, the learned II Additional District Munsif, Kuzhithurai, has passed the impugned order, which is per se illegal and seeks interference of this Court.

5.*Per contra*, Mr.K.N.Thampi, learned Counsel for the respondents 1 to 4 submitted that the revision petitioner cannot get himself impleaded, as he has no right with regard to the claim made in the suit and had furnished the copy of I.A.No.128 of 2016 in O.S.No.1101 of 1969. The said interlocutory



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application deals with survey numbers and claim of the revision petitioner that a mistake had crept in with regard to S.No.1504A, which correlates to R.S.No. 25/11 in the other suit. Mr.K.N.Thampi, learned Counsel pointed out that when the suit is pending, this application has been filed by a third person, who is a stranger to the case and submitted that the trial Court has rightly dismissed the claim made by the revision petitioner.

6.After issuing notice to the respondents 5 to 7, none appeared on behalf of them and therefore, this Court nominated Ms.Affrin Fathim, as a Court appointed Legal Aid Counsel for the respondents 5 to 7.

7.Ms.Affrin Fathima, learned Counsel for the respondents 5 to 7 submitted that Ex-R1 was dated 18.05.2022 and pointed out that the order in I.A.No.4 of 2021 in O.S.No.419 of 2010 was delivered on 10.09.2022 and there is no infirmity in the trial Court taking inference of Ex-R1, as the Revision Petitioner has not established any right before the trial Court for impleading him as a necessary party to the suit, as the suit itself is only for declaration and recovery of possession. She also pointed out that even in the



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impleading petition, the revision petitioner had only impleaded first legal heir and leaving the other five children, who are also necessary parties, if his claim is admitted.

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

9.The respondents 1 to 4 has filed the suit for declaration and recovery of possession and the petitioner is a third party to the suit. In the application filed by the petitioner, he is claiming right over the suit property by virtue of a decree passed in O.S.No.1101 of 1969. The petitioner claims right over the property in S.No.1504A which correlates to R.S.No.25/11 whereas, the subject matter of the suit in O.S.No.1101 of 1969 relates to S.No.1504B correlates to R.S.No.25/10 and that the petitioner has no right to get impleaded himself in the pending suit. Further, the case is posted for arguments and however, the petitioner has filed the present application at the final disposal stage without valid reasons. Considering the above all circumstances, the Court below has rightly passed the impugned order, which does not warrant interference of this



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Court and this Court does not find any irregularity or illegality in the impugned order.

10. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11. This Court placed its appreciation on the learned Court appointed Legal Aid Counsel for the respondents 5 to 7, who has rendered her effective submission for arriving at the appropriate decision. The High Court Legal Services Committee attached to this Bench shall pay a sum of Rs.10,000/- in toto as remuneration to the learned Court appointed Legal Aid Counsel, who is appearing for the respondents 5 to 7, within a period of two weeks from the date of receipt of a copy of this order.

27.02.2026

NCC : Yes/No
Index : Yes/No

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To

The II Additional District Munsif, Kuzhithurai.



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N.SENTHILKUMAR, J.

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