



C.R.P.(MD)Nos.2783, 3817 and 3818 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)Nos.2783, 3817 and 3818 of 2025

and

C.M.P.(MD)Nos.16226, 20102 and 20104 of 2025

C.R.P.(MD)No.2783 of 2025:-

1.P.Atchammal
2.R.Vijaya
3.P.Kanagarasu
4.P.Saravanan
5.E.Indirani
6.P.Kumar
7.P.Senthilkumar

... Petitioners

-Vs.-

G.Rajammal (Died)

1.V.Chellammal

G.Subburaj (Died)

G.Pavunraj (Died)

2.R.Valarmathy

3.R.Jothi

4.S.Selvi Subburaj

5.S.Sushmitha

6.S.Muthpandi

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7.P.Priya
8.P.Ganga

.... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order made in I.A.No.16 of 2025, dated 11.09.2025 in O.S.No.178 of 2006 on the file of the District Munsif Court, Aundipatti.

For Petitioners
For Respondents

:Mr.V.P.Rajan
:Mr.A.Raja

C.R.P(MD)No.3817 of 2025:-

1.P.Atchammal
2.R.Vijaya
3.P.Kanagarasu
4.P.Saravanan
5.E.Indirani
6.P.Kumar
7.P.Senthilkumar

... Petitioners

-VS.-

G.Rajammmal (Died)

1.V.Chellammal

G.Subburaj (Died)
G.Pavunraj (Died)

2.R.Vallarmathy
3.R.Jothi
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5.S.Sushmitha
6.S.Muthpandi



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7.P.Priya
8.P.Ganga
V.Suppa Naidu (Died)

9.V.Baluchami

V.Viraikulam (died)

10.R.Ayyammal
11.R.Rathinavelu
12.R.Karuppiah
13.Rathika

Lakshmiammal (Died)
Perumalammal (Died)
N.Rajammal (Died)

14.N.Ramasamy
15.N.Sakthivel
16.N.Eswaran
17.N.Pandi
18.N.Periyapalani @ Palaniammal
19.N.Chinnapalani @ Palaniammal
20.S.Ayyammal
21.S.Lakshmi
22.S.Solaiyappan
23.R.Jothi
24.S.Vajravel
25.S.Lakshmanan
26.S.Murugan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order made in I.A.No.18 of 2025, dated 27.11.2025 in O.S.No.178 of 2006 on the file of the District Munsif Court, Aundipatti.



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For Petitioners :Mr.V.P.Rajan
For R1 to R8 :Mr.A.Raja
For R9 to 13, 15,
16, 18 to 21 and 24 to 26 :Mr.P.Arunjayatram

C.R.P(MD)No.3818 of 2025:-

1.P.Atchammal
2.R.Vijaya
3.P.Kanagarasu
4.P.Saravanan
5.E.Indirani
6.P.Kumar
7.P.Senthilkumar

... Petitioners

-VS.-

G.Rajammal (Died)

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G.Subburaj (Died)

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4.S.Selvi Subburaj

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11.R.Rathinavelu
12.R.Karuppiah
13.Rathika

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Perumalammal (Died)
N.Rajammal (Died)

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15.N.Sakthivel
16.N.Eswaran
17.N.Pandi
18.N.Periyapalani @ Palaniammal
19.N.Chinnapalani @ Palaniammal
20.S.Ayyammal
21.S.Lakshmi
22.S.Solaiyappan
23.R.Jothi
24.S.Vajravel
25.S.Lakshmanan
26.S.Murugan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order made in I.A.No.19 of 2025, dated 27.11.2025 in O.S.No.178 of 2006 on the file of the District Munsif Court, Aundipatti.



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For Petitioners :Mr.V.P.Rajan
For R1 to R8 :Mr.A.Raja
For R9 to 13, 15,
16, 18 to 21 and 24 to 26 :Mr.P.Arun Jayatram

COMMON ORDER

C.R.P(MD)No.2783 of 2025 has been filed challenging the order passed by the learned District Munsif, Aundipatti, in I.A.No.16 of 2025 in O.S.No.178 of 2006, dated 11.09.2025.

2.C.R.P(MD)No.3817 of 2025 has been filed challenging the order passed by the learned District Munsif, Aundipatti, in I.A.No.18 of 2025 in O.S.No.178 of 2006, dated 27.11.2025.

3.C.R.P(MD)No.3818 of 2025 has been filed challenging the order passed by the learned District Munsif, Aundipatti, in I.A.No.19 of 2025 in O.S.No.178 of 2006, dated 27.11.2025.



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4.The respondents herein, as plaintiffs, have filed a suit in O.S.No.178 of 2006, before the District Munsif Court, Aundipatti, seeking for partition and separate possession of their respective shares. During the pendency of the suit, the petitioners, who are the legal representatives of the deceased 8th defendant, have filed an application in I.A.No.16 of 2025 to accept the written statement filed by them as legal representatives of the deceased 8th defendant. The learned District Munsif, Aundipatti, vide impugned order, dated 11.09.2025, had dismissed the said application on the ground that the said application was filed only to drag on the proceedings/suit, which is pending for nearly 20 years.

5.Further, the petitioners have also filed applications in I.A.Nos.18 and 19 of 2025 to reopen the plaintiff and defendants side evidence and to recall PW-1 and defendants side witness for the purpose of cross examination by the 25th to 31st respondents in O.S.No.178 of 2006. Those petitions were also dismissed by the Court below by holding that the legal representatives cannot be permitted to take a stand inconsistent with or contrary to the stand already taken by the deceased defendant, after the trial has concluded. Challenging the



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above impugned orders, the present Civil Revision Petitions have been filed.

6.The learned Counsel for the petitioners submitted that the petitioners were added as legal representatives of the deceased 8th defendant and when they enquired the status of the case, it is found that they were not given a chance to file their written statement and to examine the witnesses. He further submitted that without getting approval of the 8th defendant, the Counsel for the 8th defendant has adopted the written statement filed by the 9th defendant and that they have filed the present application to accept the written statement filed by them as legal representatives of the deceased 8th defendant. He also submitted that the Court below has failed to consider the legal notice, dated 27.08.1994, sent by the deceased 8th defendant/mother of the petitioners claiming partition from the suit property. Further, there is no opportunity given to the petitioners to examine the witnesses and without doing so, the trial Court has closed both sides evidence, which will cause great hardship and injustice to the petitioners. He also submitted that disallowing the petitioners to file a written statement on their behalf is nothing but depriving the rights of the petitioners in the suit property. Hence, he prayed for appropriate orders.



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7.The learned Counsels for the respondents submitted that the deceased 8th defendant has already adopted the written statement filed by the 9th defendant and that after impleading the petitioners, as legal heirs of the deceased 8th defendant, they have filed the written statement and praying to reopen the evidence and recall the witnesses only with an intention to drag on the proceedings, which was rightly refused by the Court below, which needs no interference of this Court.

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

9.From the perusal of the records, it is revealed that the respondents in C.R.P(MD)No.2783 of 2023 have filed a suit for partition and separate possession. The 8th defendant has adopted the written statement filed by the 9th defendant and after the demise of the 8th defendant, the petitioners herein were added as defendants in the suit. Subsequent to the impleadment, the petitioners herein have filed an application to accept the written statement on



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their behalf. However, the trial Court has rejected the same. The reason for rejecting the said claim is that the petitioners have filed the present application only to drag on the proceedings. However, this Court is of the view that even though the deceased 8th defendant has adopted the written statement filed by the 9th defendant, the petitioners herein should have also given opportunity to contest the case and that merely the deceased 8th defendant has adopted the written statement filed by the 9th defendant, that will not estop the petitioners herein from contesting the suit by filing a written statement on their behalf. Further, there is no opportunity given to the petitioners to examine witnesses, which right is always vested with the parties to the suit, which cannot be deprecated by the trial Court. It is true that the legal representatives cannot be permitted to take a stand inconsistent with or contrary to the stand already taken by the deceased defendant, after the trial has concluded. However, without giving an opportunity to the petitioners to contest the case, the Court cannot come to the conclusion that they may not be proper to contest the case.

10. In such view of the matter, the Civil Revision Petitions are allowed and the orders passed by the learned District Munsif, Aundipatti, in I.A.No.16



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of 2025 in O.S.No.178 of 2006, dated 11.09.2025, I.A.No.18 of 2025 in O.S.No.178 of 2006 and I.A.No.19 of 2025 in O.S.No.178 of 2006, 27.11.2025, are set aside. No costs. Consequently connected miscellaneous petitions are closed.

05.02.2026

NCC :Yes/No
Index :Yes/No

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To

The District Munsif, Aundipatti.



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N.SENTHILKUMAR, J.

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