



C.R.P.(MD) No.668 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.668 of 2026
and
CMP(MD) No.3081 of 2026**

P. Mani

... Petitioner

vs.

1.Amudha

2.Rani

3.Mahendran

4.Kumar

5.Angammal

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.07.2025 made in I.A.No. 5 of 2025 in O.S.No. 67 of 2014 on the file of the District Munsif Court, Lalgudi.

For Petitioner : Ms.K.Vidya

ORDER

The Civil Revision Petitioner is the third defendant in the suit. O.S.No.67 of 2014 has been presented for partition of suit properties



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into 4 shares and allot 3/4th share to the 3 plaintiffs and also for a declaration that the sale deed dated 06.05.2002 executed by the defendants 1 and 2 in favour of the third defendant will not bind the plaintiffs' 3/4th share over the suit property and for the consequential relief of permanent injunction, restraining the defendants from alienating the property till the partition is carried out.

2.The case of the plaintiffs is that the suit schedule mentioned property belonged to one Subbiah Kachirayar. The said Subbiah Kachirayar passed away on 25.02.1988. The plaintiffs claim that Subbiah Kachirayar had left behind as his legal heirs, the plaintiffs and the first defendant. The plaintiffs claimed that they and the first defendant had been in joint possession and enjoyment of the property, post the death of Subbiah Kachirayar. They claimed that the first defendant had alienated the suit schedule mentioned property in favour of the second defendant. They further claimed that the second defendant is a stranger to the family and the first defendant, along with the second defendant, had alienated the property in favour of the third defendant, by way, of a registered document on 06.05.2022. The cause of action for the suit was that in December, 2013, the third defendant attempted to dispossess the plaintiffs from the suit



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property. It was thereafter they verified the documents. To their shock and surprise, they came to know about the sale deed executed by the first defendant. They further alleged that the third defendant attempted to alienate the property in January, 2014 and hence, the suit for the aforesaid reliefs.

3.Summons were served on the defendants. The third defendant filed a detailed written statement. The third defendant did not dispute the relationship between the plaintiffs and the first defendant. He urged that though Mr.Subbiah Kachirayar had passed away on 25.02.1988, the plaintiffs kept quiet for a period of 26 long years without raising a little finger and when the defendants were attempting to enjoy the benefits of the purchase, the suit had come to be presented. He further pointed out that he had alienated the property in favour of one Mathiyalagan, Vijaya and Antonisamy Xavier. The said persons had also put up superstructures over the property. He further pleaded that the sibling of the plaintiffs (first defendant) approached the third defendant, as the value of the property had skyrocketed, demanded additional sum of money. As the third defendant refused this illegal demand made by the first defendant, that too after the alienation of the property, he had set up



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his sisters to present the suit for partition. He pleaded that the entire suit is a belated attempt to extract money from the third defendant. Consequently, sought for dismissal of the suit.

4.On these pleadings, issues were framed and the matter had been listed for trial.

5.Pending trial, the third defendant took out an application in I.A.No.5 of 2025. In the said petition, he called upon the Court to invoke the provisions under Order XVI Rule 1 of the Code of Civil Procedure to issue summons to the Village Administrative Officer of Alambakkam village to clarify on i) the sub-divisions made to the suit schedule mentioned properties; ii) with regards to the superstructures laid over the land and iii) to point out the existence of service connections, like electricity, pathways., and etc. This application was resisted by the plaintiffs pleading that it is an attempt by the third defendant to drag on the proceedings. They stated as to how the evidence of the Village Administrative Officer is going to assist in the disposal of the suit is bewildering. Consequently, sought dismissal of the application.



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6.The learned Trial Judge, after perusal of the affidavit and counter, came to a conclusion that there are no merits in the same and consequently, dismissed the said petition. Aggrieved by the same, this Revision.

7.Ms.K.Vidya urges that, it is not as if the third defendant is attempting to get the market value of the property from the evidence of the Village Administrative Officer. She states that the purpose of the application is to bring to the notice of the Court the developments that the third defendant has initiated over the suit property, post his purchase in the year 2002 and also the sub-divisions that have been carried out in the revenue records on the basis of the sale deeds. She states that the third defendant had alienated the property to several third parties, who have put up superstructures over the same. Hence, the dismissal of the application by the learned Trial Judge is erroneous and requires to be interfered with by this Court.

8.I heard Ms.K.Vidya for the petitioner. I have gone through the records.



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9. Here is a simple suit for partition. The claim of the plaintiffs is that the property belongs to one Subbiah Kachirayar. Subbiah Kachirayar is said to have died in 1988, leaving behind the plaintiffs and the first defendant as his legal heirs. The first defendant, according to the plaintiffs, in collusion with the second defendant had sold the property, over which, the plaintiffs have a right, in favour of the third defendant. As an attempt had been made to dispossess them from the property, they came forth with the suit.

10. Admittedly, the third defendant is not a member of the family. He is a stranger purchaser. The suit is still at the stage of preliminary decree. At that stage, the Court, going into the issue of sub-divisions of the land in the revenue records or the value of the property, are absolutely irrelevant. The primary issue that the Court would have to answer at the preliminary decree stage is whether the plaintiffs have any right, title or interest over the suit property. If the plaintiffs prove that they have a share, the Court will declare the shares by way of a preliminary decree. The right of a stranger purchaser in a suit for partition is to claim equity and seek allotment of the property purchased by him/her to the share of his vendor,



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herein, first defendant and later, seek the relief at the time of final decree proceedings.

11. Whether the property was sub-divided or whether the market value of the property was skyrocketed are all irrelevant at the stage, in which, the suit is presently posted. The evidence of the Village Administrative Officer is in no way going to help whether the plaintiffs have a share over the property or whether it was exclusive right of the first defendant to alienate the property in favour of the third defendant. That is a matter which the Trial Court would have to decide on appreciation of evidence let in by the plaintiffs and the defendants. I am of the view that the learned Trial Judge has applied the correct principles of law to the facts of the case and has dismissed the petition. It does not require any interference at the hands of this Court.

12. The Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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The District Munsif, Lalgudi



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V. LAKSHMINARAYANAN, J.

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