



CRP(MD). No.15 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.15 of 2026 and
CMP(MD).N. 71 of 2026

Nakkeeran

... Petitioner

Vs

1. Kasiyammal
2. Thenmozhi
3. Bavani
4. R.Parvathi
5. Vasantha
6. V.R.Sargunam
7. R.Solaiyammal
8. V.P.Anbalagan
9. P.E.Anbu
10. Kaliyamurthy
11. Br.Manager of Indian Overseas Bank,
Nattusalai, Main Road,
Nattusalai, Pattukkottai Taluk,
Thanjavur District..
12. Regional Manager
Indian Overseas Bank, Thanjavur, Q4f9 228
Sundaaram Nagar, Medical College Road,
Thanjavur Town, Thanjavur District..
13. Br. Manager Pattukkottai
Urban Co-Op Bank,

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Big Street,
Manikkam Colony, Pattukkotai Town,
Thanjavur District.

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 22.10.2025 passed in I.A.No.156 of 2025 in O.S.No.269 of 2023 on the file of III Additional District Judge, Thanjavur at Pattukkottai and allow this Civil Revision Petition with cost and render justice.

For Petitioner : Mr.K.A.Ramachandran,
For Respondents : Mr. Ramakrishnan for R1
Mr. T. Margaret Sheela – R3 and R7
Mr.N. Dhilip Kumar – R11 and R12
Mr.F.Deepak
Special Government Pleader for R13
Mr.S.Raja - R4 to R6
Mr.A.Sivasubramanian – R9 and R10

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 22.10.2025 passed in I.A. No.156 of 2025 in O.S. No.269 of 2023 on the file of the III Additional District Judge, Thanjavur at Pattukkottai.

2. The said Interlocutory Application was filed by the revision



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petitioner / 3rd defendant seeking to transpose himself as a plaintiff in the suit. The suit is one for partition. The trial Court, while considering the application, took note of the fact that the plaintiff had expressed no objection for transposing the 3rd defendant as a plaintiff. However, the trial Court also observed that the first respondent / plaintiff had been diligently prosecuting the suit till date and that there was no material to indicate that the plaintiff was likely to withdraw the suit. On such reasoning, the application came to be dismissed, aggrieved by which the present Civil Revision Petition has been filed.

3. The learned counsel appearing for respondents 4 to 6 submitted that there is a reasonable apprehension in the minds of the defendants that the plaintiff is being pressurised to withdraw the suit.

4. The learned legal aid counsel appearing for respondents 3 and 7 submitted that the application itself is not maintainable, as the question of transposition would not arise in view of Order XXIII Rule 1(a) of the Code of Civil Procedure.



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5. The learned counsel appearing for the revision petitioner submitted that when the plaintiff himself has given no objection for transposing the revision petitioner as plaintiff, who is the 3rd defendant in the suit, the order passed by the trial Court is liable to be set aside.

6. Considering the submissions made on either side and on perusal of the materials available on record, this Court is of the view that, in the light of the no objection expressed by the plaintiff, the dismissal of the application by the trial Court is not justified. Accordingly, the order passed by the trial Court is hereby set aside.

7. In the result, this Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

8. This Court places on record its appreciation for the assistance rendered by the learned Legal Aid Counsel appearing for respondents 3 and 7, M/s. Markret Sheela, and Ms. R. Brindha, learned counsel appearing for respondents 1, 2 and 8. The High Court Legal Services Committee attached to this Bench is directed to pay a sum of Rs.10,000/-



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(Rupees Ten Thousand only) each towards remuneration to the said counsels within a period of two weeks from the date of receipt of a copy of this order.

9. The Registry is directed to forward a copy of this order to the Legal Services Committee for necessary action.

25.02.2026

TRP
Index : yes/ no
Internet : yes / no

TO

III Additional District Judge, Thanjavur at Pattukkottai



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N. SENTHILKUMAR,J

TRP

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