

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District Judge.

Tuesday, this the 17th day of February, 2026.

I.A.No.1/2025
in
A.S.No.5/2023

1. Nallammal
2. Jegatham
3. Sooriyagandhi

... Petitioners/Appellants.

- Vs -

- 1) Chandrasekaran (Died)
- 2) Devendran
- 3) Renganayagi
- 4) Manimegalai
- 5) Velmurugan
- 6) Rajasekar
- 7) Ramarajan
- 8) Ramesh
- 9) Alagammal
- 10) The Manager,
Perambalur Sugar Mill, Eraiyur.
- 11) The Branch Manager,
State Bank of India, Labbaikudikadu.
- 12) Sadasivam(died)
- 13) Megavarnan
- 14) Ariyaputhran

... Respondents/Defendants.

This petition is coming up for final hearing before me on 04.02.2026 in the presence of Thiru.G. Subramanian, Advocate for the petitioners and Thiru.R. Radhakrishnamoorthi, Advocate for the 2, 4, 5, 6 and 9th respondents and the respondents 3, 7, 8, 10, 11, 13 and 14 are called absent set exparte and the 1st and 12th respondents were died; upon perusing the petition, counter and documents and after hearing the arguments on both side, this Court has passed the following:

ORDER

The petition is filed under Order 41 Rule 2 of CPC to permit the petitioners/ appellants to file additional grounds of appeal.

2. The brief averments of the affidavit appended to the petition are as follows:-

The petitioners are the plaintiffs. They have filed a suit is filed for partition against the respondents. The lower court wrongly calculated their share. Hence, they have preferred an appeal. During pendency of the appeal, the 1st respondent died intestate on 24.04.2025. His share in the schedule of properties devolve upon them and the 2nd to 4th respondents. Further, the 1st respondent pleaded before the lower court that certain properties are self acquired properties. But the lower court did not accept the same. Hence, the respondents 1, 2, 4 and 5, 6 and 9 also preferred an another appeal and the same was pending before this court as A.S.No.5/2024. Even assuming for the sake of arguments, certain properties are self acquired properties of the 1st respondent and the said properties would devolve upon them. So, they have to file additional grounds of appeal due to the change of circumstances. Hence, this petition.

3. The brief averments in the counter filed by the 2nd respondent and adopted by the 4 to 6 and 9th respondents is as follows:-

This petition is not at all maintainable either in law and on facts. The petitioners have already left the 9th respondent and the 5th and 6th respondents have filed an appeal without considering the gift deed received from the 1st respondent and the said appeal is invalid. The deceased 12th respondent's wife was not included and only included his sons. The suit has been filed based on the patta of the suit properties. It is very shameful that the 1st respondent who is very old, has been arrested and imprisoned under the domestic violence act and now they have claimed his property. Hence, the petition may be dismissed with costs.

4. During the enquiry, no evidence was adduced and no documents were marked on both sides.

5. Point for consideration:-

Whether the petition has to be allowed or not as prayed for?

Point:

6. It is an admitted fact that the petitioners as plaintiffs filed the suit for partition against the respondents herein and the suit was partly decreed and a preliminary decree for partition is passed and 3/28th share in the suit properties has been allotted to the plaintiffs. Aggrieved over this verdict, both the plaintiffs as well as the D1, D2, D4 to D6 and D9 preferred separate appeals and the same are pending.

7. In the application, the petitioners have stated that the trial court wrongly calculated their share and they preferred the appeal; while appeal is pending, R1 died intestate and that his share over the schedule property devolve upon them and R2 to R4 and in this regard, additional grounds of appeal to be stated. Further, the R1, R4 to R6 and R9 also preferred separate appeal aggrieved over the finding that their stand of certain properties self acquired in nature is negatived by the court and in this regard also, the petitioners have to state appeal grounds and the petition may be allowed. The respondents denied the same in the counter. Whether the additional grounds stated in the application is correct can be decided only at the end of the appeal proceedings. In such circumstances, if the application is allowed, no any hardship will be caused to the respondents. Hence, this Court comes to the conclusion that this petition can be allowed on cost and the point is answered accordingly.

8. In the result, this petition is allowed subject to condition that the petitioners shall pay a cost of Rs.500/- to the R2, R4 to R6 and R9 on or before 23.02.2026, failing which the petition shall stand dismissed. Call on 24.02.2026.

Dictated to the Executive Assistant, transcribed and typed by her in computer, corrected and pronounced by me in open Court, this the 17th day of February, 2026.

Principal District Judge,
Perambalur.

Fair/Draft Order
I.A.No.1/2025
in
A.S.No.5/2023
D.D: 17.02.2026.