



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4613 of 2025

AND

CMP NO. 23316 OF 2025

Govindasamy (died)

1. Sivakumar
S/o. Govindasamy,
D.No.8/36, 86, Chinnaiyan Thottam, Anna
Nagar, Pooluvapatti Village, Tiruppur Dt.
2. Kalamani
D/o. Govindasamy, W/o. Vellingiri,
D.No.12, Mangalam Road, Chinnaswamy
Gounder Layout, Karuvampalayam,
Tiruppur Dt.
3. V.K. Ragavi
D/o. Vellingiri,
D.No.12, Mangalam Road, Chinnaswamy
Gounder Layout, Karuvampalayam,
Tiruppur Dt.
4. V.K. Pooja
D/o. Vellingiri,
D.No.12, Mangalam Road, Chinnaswamy
Gounder Layout, Karuvampalayam,
Tiruppur Dt.
5. Saraswathi
D/o. Govindasamy,
D.No.8/36, 86, Chinnaiyan Thottam, Anna
Nagar, Pooluvapatti Village, Tiruppur Dt.

..Petitioner(s)

Vs



1. K. Palanisamy
S/o. Koundappan,
O.No.85, N.NO.56, 60 Feet Road,
Marudachalapuram, Tiruppur Dt.
2. R. Varadarajan
S/o. Ramasamy,
D.No.5, 3rd St, T.M.S. Nagar, Arul Jothi Nagar,
Kongu Main Road, Tiruppur Dt.
3. S. Subramaniam
S/o. Samikannu,
O.D.No.8/255, N.No.8/3517, Anna Nagar West,
Neruperichal Village, Tiruppur Taluk and Dt.
4. Kittan @ Maran
S/o. Karuppan,
D.No.11, Kothampalayam. Chettipalayam
Village, Tiruppur Taluk and Dt.
5. Kavithamani
W/o. Mayilsamy,
D.No.3/468, Min Nagar, Pethankadu,
Chettipalayam Road, Panikampatty, Palladam
Tk, Tiruppur Dt.

..Respondent(s)

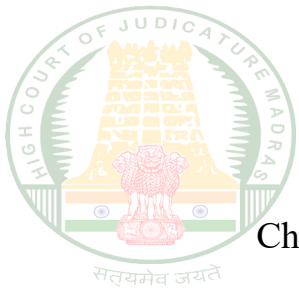
PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to allow the above Civil Revision Petition by setting aside the Fair and Decretal order dated 08.04.2025 passed in IA No.686 of 2024 in OS No.90/2016 on the file of the Additional District Munsif Court, Tiruppur.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.B.Manimaran for R5

R1 To R4- No Such Person



ORDER

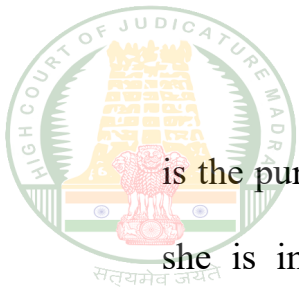
Challenging the impugned order passed in I.A.No.686 of 2024 in O.S.No.90 of 2016 by the learned Additional District Munsif, Tiruppur, the Revision Petitioners/Plaintiffs preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners/plaintiffs filed an application under Order I Rule 10 r/w 151 of C.P.C. to implead one Kavithamani as proposed defendant, who purchased the property pending suit. On hearing both sides, the trial judge dismissed the application holding that the case is pending for nearly about 9 years and further, on considering the long delay, the trial court was not inclined to allow the application. Aggrieved over that, the Revision Petitioner/third party preferred this Civil Revision Petition.

3. The learned counsel for Revision Petitioners pointed out that on 22.04.2024, the proposed defendant purchased the property from the 3rd defendant, who remained exparte. Therefore, the revisions petitioners prayed to implead the proposed defendant. But, the trial judge failed to consider the same and erroneously dismissed the application. Hence, he prayed to set aside the findings of the trial judge.

4. Heard and considered rival submissions made by both learned counsel for revision petitioners and 5th respondent and perused the materials available on record.

5. Admittedly, the Revision Petitioners filed the suit for the relief of declaration and other consequential relief and the 5th respondent/proposed party



is the purchaser. Therefore, she is the necessary party to the proceedings and if she is impleaded, it would not cause any prejudice to the respondents. If opportunity is not given to her, the Revision Petitioners will be put into much hardship. Therefore, the findings rendered in I.A.No.686 of 2024 in O.S.No.90 of 2016 by the Additional District Munsif, Tiruppur is set aside. Liberty is granted to the respondents/defendants 1 to 4 to raise all their defence by filing additional written statement, if any. On hearing both sides, the trial court is directed to proceed with the trial and dispose the case as early as possible. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The Additional District Munsif, Tiruppur.



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T.V.THAMILSELVI J.

RPP

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