



C.R.P.(MD)No.42 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.42 of 2026

and

C.M.P.(MD)No.200 of 2026

S.Ramalingam (Died)

1.S.Shanmugam

2.S.Subramaniayn

3.S.Nagarajan

4.S.Thangam

5.S.Kundumalai

R.Chellammal (Died)

6.R.Boopathi

7.R.Ganapathi

8.R.Vadivel

... Petitioners

-VS.-

1.P.Parimaladevi

2.S.Murugesan

3.S.Pitchammal

4.S.Subbulakshmi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair decreetal order passed in I.A.No.82 of 2024 in O.S.No.22 of 2015 on the file of the District Munsif Court, Vadipatti, dated 20.11.2025.



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For Petitioners :Mr.V.S.Kishok Kumar

For Respondents :Ms.M.Vijayavarthini

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Vadipatti, in I.A.No.82 of 2024 in O.S.No.22 of 2015, dated 20.11.2025.

2.Heard Mr.V.S.Kishok Kumar, learned Counsel for the Revision Petitioner and Ms.M.Vijayavarthini, learned Counsel for the respondents.

3.The petitioners, as plaintiffs, have filed a suit in O.S.No.22 of 2015 before the District Munsif Court, Vadipatti, as against the respondents 2 to 4 for partition and for other consequential reliefs. During the pendency of the suit, the first respondent, who is a third party to the suit, has filed an application in I.A.No.81 of 2024 to implead herself as a party defendant in the suit. She had also filed an interlocutory application in I.A.No.82 of 2024 to set aside the *ex parte* preliminary decree, which was passed in the suit on 14.11.2017. The learned District Munsif, Vadipatti, vide impugned order,

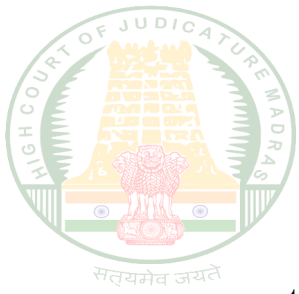


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dated 20.11.2025, had allowed both the applications. Challenging the order passed in I.A.No.82 of 2024, the present Civil Revision Petition has been filed.

4.Mr.V.S.Kishok Kumar, learned Counsel for the petitioners submitted that the petition filed by the first respondent to implead her and to set aside the *ex parte* preliminary decree has been filed after the inordinate delay of 2006 days, whereas, suppressing the same, the petitioner has falsely pleaded that the delay was only 221 days. Further, the petitioner has no valid right to implead her in the present suit and the petition filed by her after the final decree passed on 15.11.2022, cannot be maintainable. Further, the petitioner is not a necessary party to the suit and that therefore, the order impugned is liable to be set aside.

5.The learned Counsel for the respondents submitted that the first respondent is the proper and necessary party to the suit and that the application filed by the first respondent has rightly been allowed by the Court below. She also submitted that the plaintiffs have remained silent in bringing to the knowledge of the Court that the first respondent is having a right over the



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property and has not made her as a party and without even impleading her as a party defendant, an *ex parte* preliminary decree was obtained, which has been rightly set aside by the Court below, which does not warrant interference of this Court.

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

7.From the perusal of the records as well as the impugned order, it is seen that the petitioners have filed the suit for partition and for other reliefs. In the said suit, the defendants were set *ex parte* and thereafter, the first respondent has filed applications to implead herself as party defendant and to set aside the *ex parte* preliminary decree. It is the claim of the first respondent that she is proper and necessary party to the suit, as her father has right over the joint family properties and as a legal heir of her father, the first respondent is also entitled to have share in the joint family party. However, without impleading the first respondent as party defendant in the suit, the present suit has been filed and a preliminary decree has also been passed. The first



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respondent has also filed several documents to prove her claim. Further, as rightly observed by the Court below that the two properties, in which a preliminary decree was passed, are not the joint properties of Sadacharam and Subramaniyan and that acceding to the contentions raised by the first respondent, the Court below has rightly passed the impugned order, which does not warrant interference of this Court.

8. Accordingly, the Petition is disposed of in terms that the rights of the first respondent shall be examined by the Court below with regard to her entitlement. As the suit is of the year 2015, the trial Court shall endeavour to complete the trial within a period of one year from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.02.2026

Internet :Yes/No
NCC :Yes/No
Index :Yes/No
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To
The District Munsif, Vadipatti.



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N.SENTHILKUMAR, J.

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