

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

CRP PD No.3730 of 2014

and

M.P.No.1 of 2014

1.M.Senthilmurugan

2.M.Ganesh

... Petitioners

Vs

1.Uma

R.Visalakshmi (died)

2.Pachaiamman

3.R.Selvam

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 10.07.2014 in I.A.No.433 of 2013 in O.S.No.140 of 2008 on the file of Additional Sub Judge, Tiruvannamalai.

For Petitioner :: Mr.R.Rajarajan

For Respondents :: Mr.K.Semmalai for R1
No Appearance for R2
Mr.R.Rajarajan for R3

O R D E R

The revision is filed challenging the order refusing to implead the revision petitioner as fourth and fifth defendant in the suit. The suit is filed by the plaintiff who is said to be sister of the proposed party for

PUSHPA SATHYANARAYANA,J.

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declaration declaring the sale deed dated 23.06.2005 and 06.07.2006 are null and void and for permanent injunction.

2.The said sale in fact, is executed only by the plaintiff. The case of the proposed parties are that they are also having right in the said properties. Therefore, it would be necessary for them also to be a party to the suit and their presence is essential. As stated earlier, the suit is only for declaration that the sale deeds are null and void and it is not a suit for partition. Even if the proposed parties are aggrieved or claimed that they have share in the suit properties, it is open to them to file a suit for partition. They need not get themselves impleaded in the suit, as they are not necessary parties. Therefore, the order of the trial court is correct and does not warrant any interference. Accordingly, the civil revision petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

22.12.2016

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To
The Additional Sub Judge,
Tiruvannamalai.

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