

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2637 of 2015 and
M.P.No.1 of 2015

1.Balakrishnan
2.Govindasamy

...Petitioners

versus

1.Padmavathi
2.G.Govindan
3.Varathan
4.Banu

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 11.09.2014 in I.A.No.291 of 2013 in O.S.No.25 of 2011 on the file of District Munsif Court, Katpadi.

For Petitioners : Ms.P.Veena Suresh

ORDER

The first respondent filed a suit in O.S.No.25 of 2011, praying for a decree of partition and declaration that the Consent Deed dated 11.10.2010 is null and void. In the said suit, the first respondent filed an application in I.A.No.291 of 2013 to implead the petitioners as parties. The application was allowed by the learned trial Judge. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioners.

3. The first respondent filed the petition in I.A.No.291 of 2013 with a contention that the second respondent herein sold part of the property to the petitioners herein based on the Consent Deed dated 11.10.2010. The very Consent Deed was sought to be declared as null and void in the civil suit in O.S.No.25 of 2011. The learned Trial Judge, therefore, impleaded the petitioners as parties to the suit.

4. There is no dispute that the petitioners purchased the property on the strength of the Consent Deed dated 11.10.2010. The validity of the Consent Deed is an issue to be decided by the Trial Court. Any decree passed in the civil suit in O.S.No.25 of 2011 would bind the petitioners. The learned Trial Judge, therefore, was perfectly correct in impleading the petitioners as parties to the suit. I do not find any error or illegality in the order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the upshot, I dismiss the Civil Revision Petition. No costs.
Consequently, connected miscellaneous petition is closed.

21.10.2016

Index:Yes/No
svki

To

The District Munsif Court, Katpadi.

K.K.SASIDHARAN, J.

(svki)

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