



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (PD) (MD) No.1171 of 2016

and

C.M.P (MD) No.5728 of 2016

1.M.Maruthiah Pandian

..Petitioner/Petitioner/ 3rd party

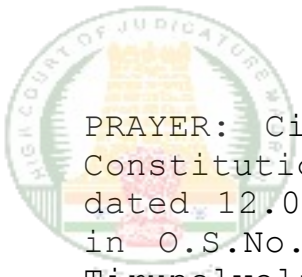
-vs-

- 1.S.Suresh Chandrababu
- 2.S.Raveendranath
- 3.S.Rajkumar (died)
- 4.Dr.S.Saithhirengan
- 5.Asha Devi
- 6.Geetha Kannammal
- 7.Mythili
- 8.Lathamaheswari
- 9.R.Paremeshwari
- 10.R.Thilak Rajkumar
- 11.Deepak Rajkumar
- 12.Ramathilgam (died)
- 13.Janakiram Mohan
- 14.Chandrababu
- 15.Muthujanaki
- 16.Meenakshi
- 17.Ramkumar Guru
- 18.Venkatraj
- 19.Shankar (died)
- 20.Rani
- 21.Soundaraj Naidu (died)

- 22.The Branch Manager,
Indian Overseas Bank,
No.95/C2, Madurai Road,
Tirunelveli Junction,
Tirunelveli -1.

- 23.The Branch Manager,
Canara Bank,
Tirunelveli Junction,
Tirunelveli -1.

.. Respondents/Respondents/
Respondents/Defendants 1 to 11



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 12.03.2016 made in I.A.No.99 of 2014 in I.A.No.412 of 2013 in O.S.No.203 of 2010 on the file of the Principal Sub Court, Tirunelveli.

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For Petitioner

: Mr.S.P.Maharajan

O R D E R

This revision is directed against the order passed in I.A.No.99 of 2014 in I.A.No.412 of 2013 in O.S.No.203 of 2010 by the Principal Sub-Judge, Tirunelveli.

2. It is seen that the respondents 1 to 12 instituted the suit against the other respondents before the Sub Court, Tirunelveli claiming partition and separate possession. Subsequently, the said suit was transferred and renumbered as O.S.No.203 of 2010. A preliminary decree was passed on 29.09.2010. Subsequently, the plaintiff filed I.A.No.412 of 2013 for passing a final decree and in that application, the petitioner filed I.A.No.99 of 2014 for impleading as one of the parties contending that the second item of the suit properties was purchased by his vendor in the year 1993 and subsequently, he entered into an agreement with her on 04.06.1993. The said application was dismissed. Aggrieved over the same, the present revision is filed.

3. Mr.S.B.Maharajan, learned counsel for the petitioner would submit that based on the agreement dated 04.06.1993, the petitioner was put in possession of the second item of the suit property and the second appeal filed against O.S.No.688 of 1994 is still pending before the High Court, however, the application was dismissed on the ground that the appeal preferred by the petitioner was already dismissed.

4. It is seen from the records that the respondents filed the suit in O.S.No.688 of 1994 against the petitioner as well as his vendor before the II Additional District Munsif, Tirunelveli for permanent injunction. After contest, the suit was decreed and the appeal filed by the defendant in the suit in A.S.No.56 of 2012 was also dismissed. The petitioner claims right over the second item of the suit property only based on the sale agreement dated 04.06.1993. The learned Sub-Judge, rightly dismissed the application holding that the right of the petitioner cannot be decided in the suit.

5. In view of the above facts, I do not find any illegality or <https://hccservicesgovt.in/> the order impugned in this revision.



6. In the result, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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/True copy/

Sd/-
Assistant Registrar(AS)

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Tirunelveli.

2.The Branch Manager,
Indian Overseas Bank,
No.95/C2, Madurai Road,
Tirunelveli Junction,
Tirunelveli -1.

3.The Branch Manager,
Canara Bank,
Tirunelveli Junction,
Tirunelveli -1.

+1cc to Mr.S.P.Maharajan, Advocate Sr.No.30877

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& C.M.P (MD) No.5728 of 2016
16.06.2016