



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

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THE HONOURABLE MR. JUSTICE **G.R.SWAMINATHAN**

C.R.P(MD) (PD).Nos.157 & 239 of 2016

and

C.M.P(MD).Nos.721 and 994 of 2016

Ramkumar ... Petitioner in both petitions

vs.

1.N.Radhakrishnan .. Respondent No.1 in C.R.P(MD)
(PD).No.157 of 2016
2.R.Velumani .. Respondent No.1 in C.R.P(MD)
(PD).No.239 of 2016
3.R.Shenbagarajan ... Respondent No.2 in both petitions

PRAYER: Petitions filed under Article 227 of the Constitution of India, to set aside the order and decretal dated 31.12.2003, 22.03.2004 made in I.A.No.5, 4 of 2003 in O.S.No.86, 85 of 1999 on the file of the Sub Court, Periyakulam.

For Petitioner : Mr.K.Guhan
For R-1 : Mr.N.Vallinayagam
For R-2 : No appearance
(in both petition)

COMMON ORDER

The revision petitioner herein wanted to get impleaded in both the suits filed by the respective first respondent in these civil revision petitions. Both the suits are for the relief of specific performance.

2.The case of the revision petitioner is that the suit properties are joint family properties and that therefore, the relief sought for by the first respondent, cannot be granted. Since the petitioner is also having interest over the property, he wanted to get impleaded in both the suits. Therefore, he filed interlocutory applications in this regard. Both the interlocutory applications were dismissed. Questioning the same, these civil revision petitions came to be filed.

3.Heard the learned counsel on either side.

4.The learned counsel for the revision petitioner reiterated <https://hds.ces.comt.gov.in/iconic> set out in the memorandum of revision, I am unable to agree with the same. As rightly pointed out by the learned counsel appearing for the contesting respondents, the revision



petitioner is really a stranger to the suits. The agreements in question were executed only by the original defendant/father of the revision petitioner herein. The plaintiffs are seeking relief only against the revision petitioner's father. No relief is sought as against the revision petitioner and therefore, the Court below was justified in dismissing the interlocutory applications filed by the revision petitioner.

5. Finding no merit, these Civil Revision Petitions are dismissed. However, if the original defendant, namely, the father of the revision petitioner wants, the revision petitioner/son can also be examined as a witness on the side of the defendants. This observation is made because even in the written statement, the father of the revision petitioner has not taken any stand adverse to the interests of the revision petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(Cs-III)

To

1. The Sub Judge,
Periyakulam.
2. The Record Keeper, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Guhan, Advocate Sr.No.80247

+2cc to Mr.N.Vallinayagam, Advocate Sr.No.80208,80209

RMK

VB/SKN/SAR3/27.09.2018/2P/7C

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