

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No.222 of 2019

and

C.M.P.No. 1728 of 2018

1.S.Rani
2.S.Sankari

..Petitioners/Proposed Parties

Vs.

1.D.Saroja
2.A.Manivannan

..1st Respondent/Plaintiff

..2nd Respondent/Defendant

This Civil Revision Petition is filed under Section 227 of the Constitution of India to set aside the order dated 17.11.2018 made in I.A.No. 1661 of 2015 in O.S.No.255 of 2015, on the file of the District Munsif Court, Chengalpet.

For Petitioners : Mr.Palani Selvaraj
For R1 : Mr.A.Kalaivanan
For R2 : Mr.S.Vadivelmurugan

ORDER

The above Civil Revision Petition is filed challenging the order passed in I.A.No. 1661 of 2015 in O.S.NO. 255 of 2015, which is an application filed by the revision petitioners/proposed parties to implead them in a suit for bare injunction filed by the first respondent/plaintiff against the second respondent.

cents, situate at Kalvoy Village, Chengalpattu Taluk, Kancheepuram District, comprised in Survey No. 237 1A1,1A2, 1B1, 1B2. The implead petition has been filed on the ground that the plaintiff/ first respondent has referred to a Sale Deed dated 07.04.1997, which is said to have been executed by the revision petitioners, which according to the revision petitioners, has not been executed by them and that the thumb impression and the signature found therein does not belong to them.

3 It is their further case in the affidavit filed in support of the petition, the property originally belonged to Ranganayaki ammal, who is the mother of the proposed parties/revision petitioners and after the death of Ranganayaki ammal there was an oral partition between themselves and their sister Yasodha. Under this oral partition, the land in Survey No. 237/1, measuring 36 cents (which is a suit property) was allotted in entirety to Yasodha. It is their case that Yashodha had sold 18 cents, retained the remaining 18 cents. Therefore, in the light of the above it is very clear that the proposed parties have no interest in the land in survey No.237/1. Therefore, they are neither necessary nor proper parties in the suit. The Court below had rightly dismissed the said application. This Court do not find any infirmity in the order passed by the Court below.

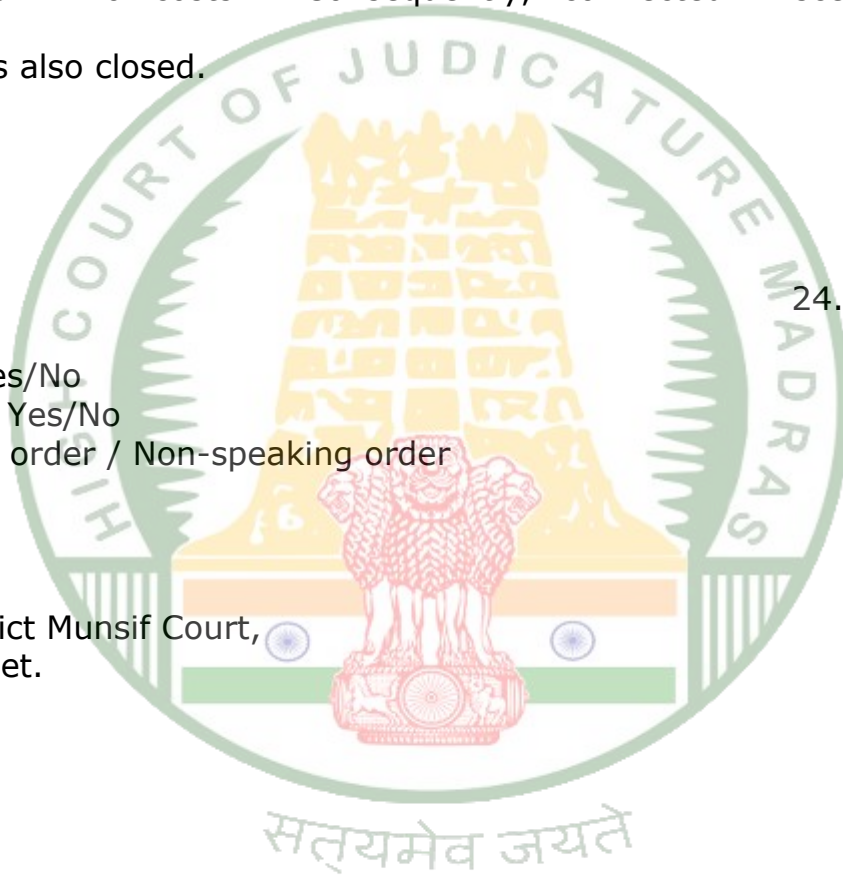
4 In the result, the Civil Revision Petition stands dismissed and order passed in I.A.No. 1661 of 2015 in O.S.No.255 of 2015, by the District Munsif Court, Chengalpet, dated 17.11.2018, is confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

24.04.2019

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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

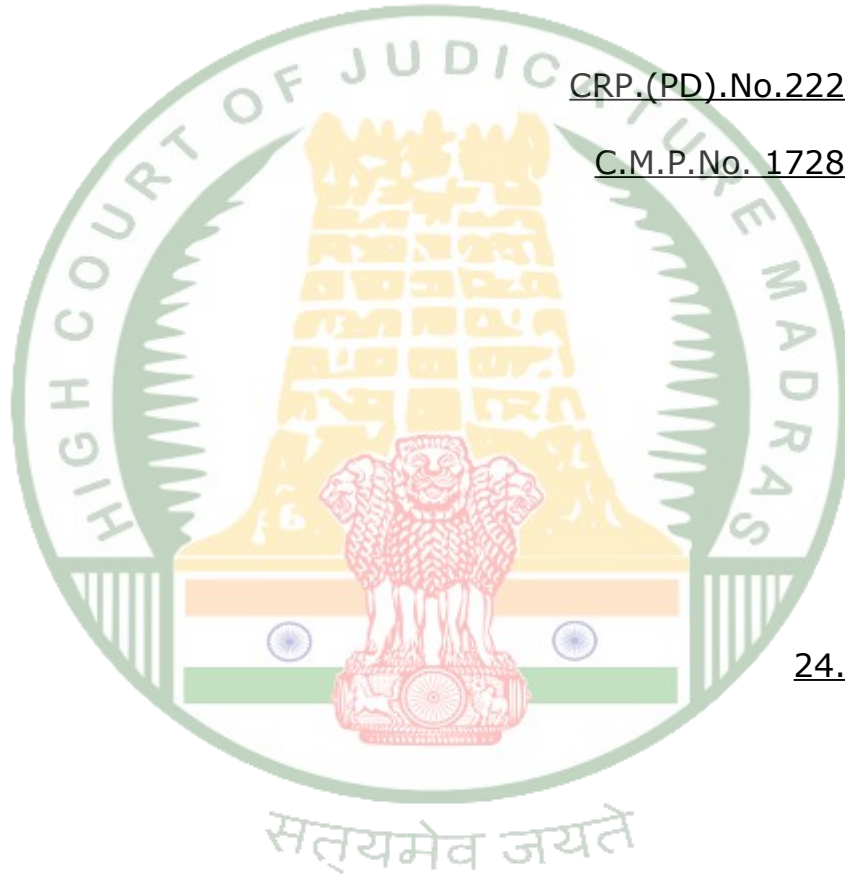
To

The District Munsif Court,
Chengalpet.



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