

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).No.3971 of 2019

and

C.M.P.No.26149 of 2019

1. Travesch Mohideen
2. Basheer
3. Hussain
4. Hasina Begum
5. Hajeera
6. Mumtaz
7. Noori

... Petitioners

Versus

1. Razia Sultana
2. Y. Syed Noorullah
3. S.A.Khaja Mohideen
4. Anser
5. S.Veeraperumal

... Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India against the fair and decretal order dated 07.06.2019 passed in I.A.No.795 of 2018 in O.S.No.113 of 2013 on the file of the District Munsiff Court at Thiruvottriur.

For petitioner : Mr. A. Prabhakaran

ORDER

The Civil Revision Petition is taken up for final disposal at the Admission stage itself.

2. This Civil Revision Petition has been filed against the order dismissing the petitioner's application filed under Order 1 Rule 10 CPC to implead the petitioners as defendants in the suit.

3. The first respondent/plaintiff filed a suit in O.S.No.113 of 2013 on the file of the District Munsiff, Thiruvotriyur, against the respondents 2 to 4 herein for declaration and permanent injunction on the ground that the suit property is the exclusive property of the plaintiff's mother and she died intestate and the plaintiff, being the sole legal heir, is entitled for the suit property. The petitioners, being step brother and sisters of the first respondent/plaintiff, through the second wife of the plaintiff's father, filed an application in I.A.795 of 2018 to implead themselves as party defendants in the suit and the same has been dismissed by the trial Court. Now, challenging the same, the present revision petition has been filed.

4. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

5. The first respondent/plaintiff has filed the suit in O.S.No.113 of 2013 on the file of the District Munsif Court, Thiruvottiyur, for declaration and permanent injunction in respect of the property of her mother. The petitioners herein, being the step-brothers and step sisters of the plaintiff, born through the second wife of the plaintiff's father, sought to implead themselves as party defendants in the suit. Considering the fact that the petitioners are born through the second wife, they cannot claim any right to the property of the first wife and the trial Court rightly dismissed the application. Hence, I find no illegality or irregularity in the order passed by the trial Court and I find no merit in the revision petition.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

To
The District Munsiff Court,
Thiruvottriyur.

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mrp



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