

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.3557 of 2018

and

C.M.P.No.19953 of 2018

S.Jeeva

... Petitioner/Petitioner/Plaintiff

-VS-

1.S.Saroja
2.S.Basker

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order of the learned III Additional District and Sessions Judge, Salem, made in I.A.No.519 of 2018 in O.S.No.181 of 2013 dated 15.10.2018.

For Petitioner

:

Mr.M.R.Thangavel

For Respondents

:

Mr.S.Kalyanaraman

ORDER

The above Civil Revision Petition is filed by the plaintiff challenging the dismissal of her application seeking to implead the purchaser of the Bus which has been shown as Item-2 of the item-2 of the suit schedule property.

2.The Revision Petitioner would contend that the respondent/defendant has suppressed the true value of the sale effected in favour of one T.V. Dhivaakar Sakthivelan, son of N.D. Venkatachalam, D.No.186/14, R.S. Road, Thoppupalayam, Perundurai Taluk – 638 052.

3.During the evidence, the 2nd defendant had admitted the said Sale but would contend that it is only for a sum of Rs.7,00,000/-, whereas the plaintiff would contend that the bus route was sold for over a sum of Rs.1,00,00,000/- that also forms part of the property available for Partition. The revision petitioner has come forward with the above petition to implead the said T.V. Dhivaakar Sakthivelan in I.A.No.519 of 2018 in O.S.No.181 of 2013. The learned III Additional District and Sessions Judge, Salem, by an order dated 05.10.2018, dismissed the said application stating that the proposed party is neither a proper nor necessary party to the proceedings. Challenging the same, the revision petitioner is before this Court.

WEB COPY

4.After hearing the parties, this Court is of an opinion that since the revision petitioner is seeking to implead the party only for the purpose of ascertaining the value at which the bus has been sold it would suffice if the said T.V. Dhivaakar Sakthivelan is examined as a

issue summons to the T.V. Dhivaakar Sakthivelan for appearing as a witness along with the necessary documents related to the sale/purchase of the Bus as described in the Item-2 of the schedule of the property.

This Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed. It is made clear that the revision petitioner/plaintiff shall take steps to summon the said witness within a week from the date of receipt/production of a copy of this order.

06.03.2019

Index : Yes/No
Internet : Yes / No
Speaking/non-speaking order
sbn/mps

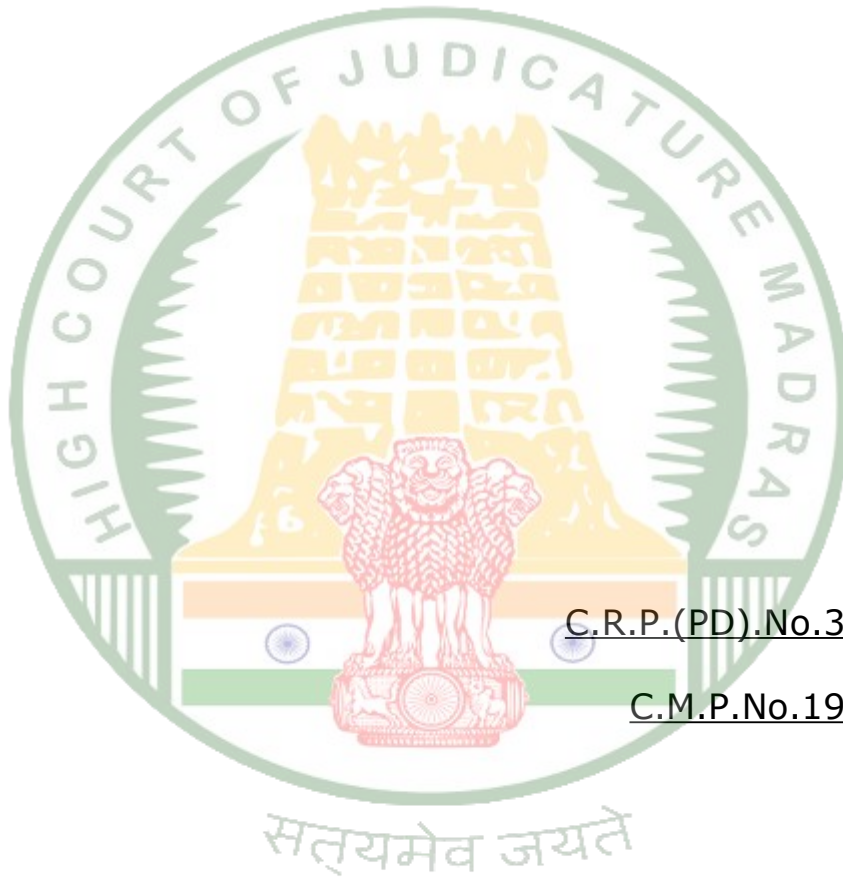
To

The III Additional District and Sessions Judge,
Salem.

WEB COPY

P.T.ASHA. J,

mps



C.R.P.(PD).No.3557 of 2018
and
C.M.P.No.19953 of 2018

WEB COPY