

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Civil Revision Petition(PD) No.2715 of 2013

and
M.P.No.1 of 2013

1. Tamilselvi

2. Rathnam

3. Chennammal

... Petitioners

Vs

1. P.Rajkumar

2. The State of Tamil Nadu,
rep. by District Collector,
Krishnagiri.

3. The Block Development Officer,
Panchayat Union Office,
Krishnagiri

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the orders of the learned District Munsif of Krishnagiri, dated 19.02.2013 in I.A.No.22 of 2013 in O.S.No.288 of 2012 and allow the Civil Revision Petition.

For Petitioner : Mr. V. Nicholas

For Respondents : Mr. C. Prabhakaran,
for R1

: Mr. Y.TAravind Gosh,
Gov. Advocate,
for R2 & R3

ORDER

The petitioners herein filed a suit in O.S.No.288 of 2012 on the file of the District Munsif Court, Krishnagiri for permanent injunction and also declared the gift deed dated 12.12.2001 bearing Document No.1831 of 2001 executed in favour of the second defendant is null and void and void abintio .

2. During the pendency of the suit, the first respondent herein, who is a third party in the suit, has filed a petition in I.A.No.22 of 2013 to implead him as one of the defendant in the suit and the trial Court, vide order dated 19.02.2013 allowed the said petition. Challenging the same, the present revision has been filed.

3. The learned counsel for the petitioner would submit that he has filed a suit for bare injunction and also for declaration to declare the gift deed dated 12.12.2001 created in favour of the second defendant is null and void and *ab-initio*. The first respondent/proposed party is

neither necessary nor proper party in the suit, however, the trial Court allowed the petition.

4. Heard both sides. Perused the materials available on records carefully.

5. From a careful perusal of the records, it could be seen that the petitioner herein has filed the suit in O.S.No.288 of 2012 against the respondents 2 and 3 on the file of the District Munsif, Krishnagiri. In the said suit, the first respondent herein had filed the interlocutory application to implead himself as one of the defendant in the suit.

6. It is a suit for injunction against the respondents 2 and 3 herein and for declaration to declare the gift deed dated 12.12.2001 executed in favour of the second defendant is null and void. Since the suit has been filed only against the respondents 2 and 3 herein and for declaration to declare the Gift deed in favour of the 2nd respondent is null and void, the first respondent is neither necessary nor proper party. If the first respondent has got any right over the suit property, he can very well work out the remedy by filing a separate suit. Hence, the order passed by the learned trial Court is liable to be set aside.

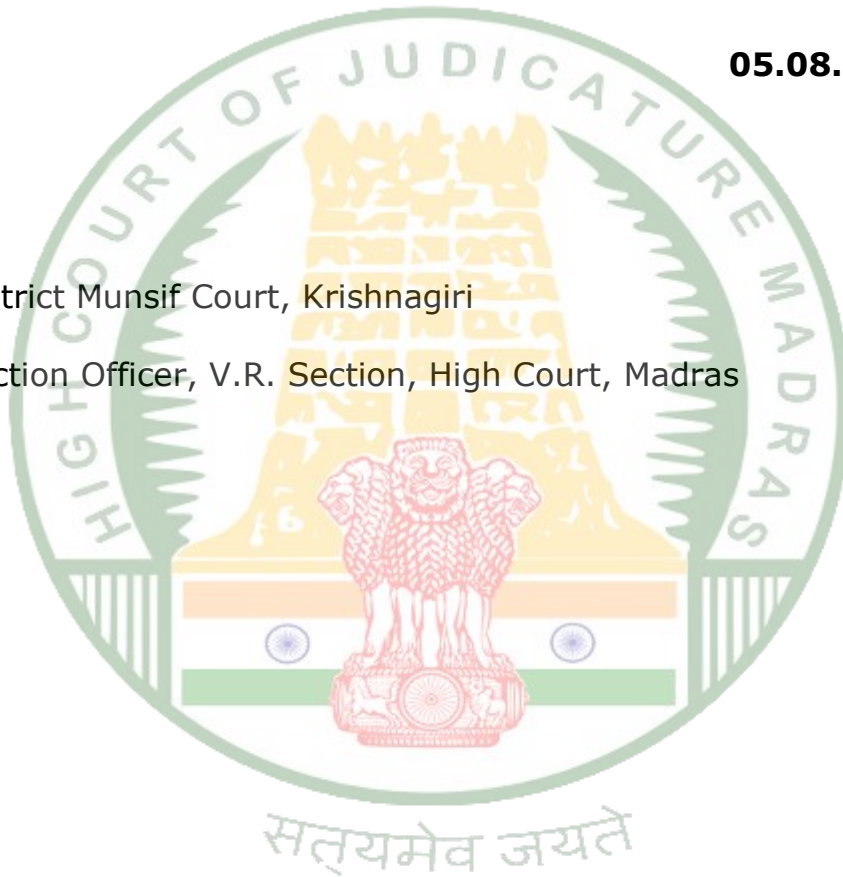
7. Accordingly, the Civil Revision Petition is allowed and the order passed by the trial Court in I.A.No.22 of 2013 dated 19.02.2013 has been set aside. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2020

mrp

To

1. The District Munsif Court, Krishnagiri
2. The Section Officer, V.R. Section, High Court, Madras



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P.VELMURUGAN,J.

mrp



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