

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.3529 of 2013

and

M.P.No.1 of 2013

1.Mrs.S.Devagi
2.S.Saravanan

...Petitioners

..Vs..

1.Tmt.C.Muniammal(died)
2. D.C.M.Babu
3.Jayachitra
4.Ponnammal
5.Perumal
6.Ramachandran

[R3 to R6 brought on record as LR's of the deceased
1st respondent viz C.Muniammal vide Court order
dated 10.01.2020 made in C.M.P.No.9975,9976 and
9977/18 in C.R.P.3529 of 2013 (TKRJ)]

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order of the learned District Munsif, Arakkonam dated 16.07.2013 made in I.A.No.156 of 2012 in O.S.No.94 of 2011.

For Petitioner : Mr.G.Jeremiah

For R1&R2 : M/s.P.V.Rajeswari

For R3 to R6 :Mr.J.Aneeskowsar

O R D E R

The proposed party who filed I.A.No.156 of 2012 to implead herself as a second plaintiff, on rejection, filed the C.R.P. The husband of the first petitioner herein also filed O.S.No.94 of 2011 for declaration of title and for Permanent Injunction.

2. Pending suit, the wife claims that there was a settlement in her favour and hence, she must be added as a second plaintiff in the suit. Counter has been filed before the Trial Court. The trial Court rejected her contention and hence, this Civil Revision Petition.

3. The factual position being that the Devaki is the wife of Saravanan and she obtained settlement deed from the first plaintiff. Hence, she is a necessary party to the limited extent that she can project her right and title over the property subject to Section 92 of Transfer of Property Act. She cannot seek to array as a plaintiff and if at all, she can seek array as a defendant and hence, impugned order passed is modified to the limited extent that the petitioner being arrayed as a party-defendant in the suit, it is open to her for filing written statement within two weeks.

4. In the result, this Civil Revision Petition is partly-allowed to the limited extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No
Speaking Order:Yes/No

To

The District Munsif, Arakkonam

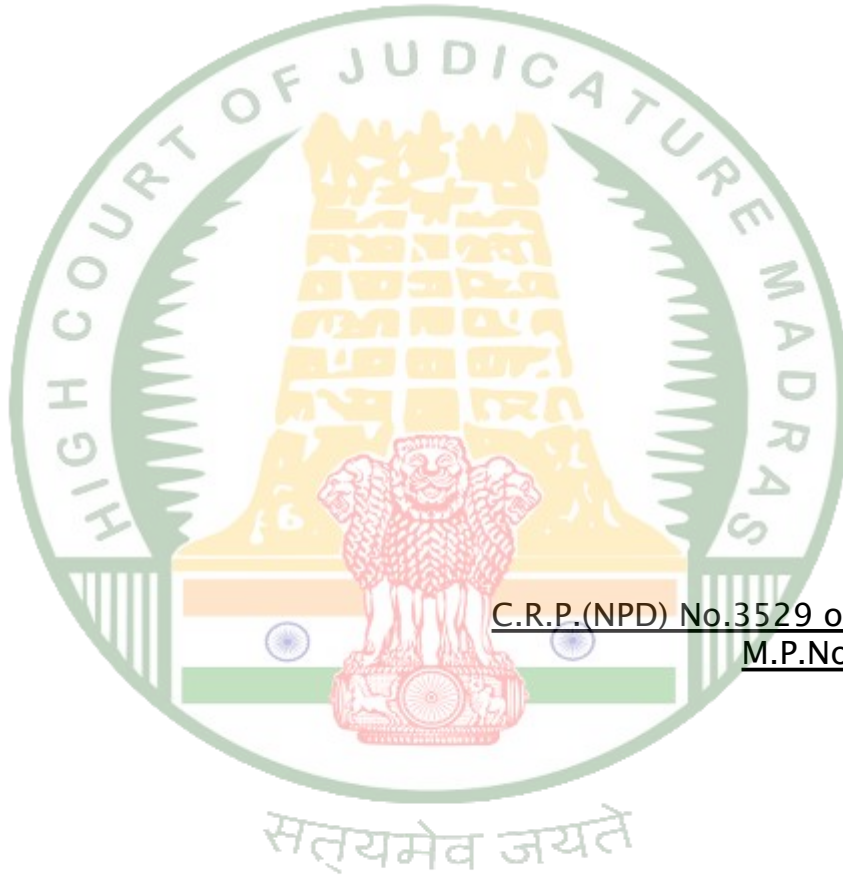


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RMT.TEEKAA RAMAN,J.,

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