



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD) No.1807 of 2018

and

C.M.P. (MD) No.7925 of 2018

1.Thangamariammal
2.Velmurugan
3.Peratchi : Petitioners

.. Vs ..

1.Sudalaimani
2.L.Mariappan
3.Esakkiammal : Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.562 of 2016 in O.S.No.179 of 2016 on the file of the Principal Subordinate Court, Tirunelveli, dated 06.02.2018.

For Petitioners : Mr.T.Selvan

ORDER

This Civil Revision Petition is directed against the order in I.A.No.562 of 2016 in O.S.No.179 of 2016 on the file of the Principal Subordinate Court, Tirunelveli.

2.The brief facts that are necessary for the disposal of this petition are as follows:

3.The petitioners are third parties to the suit in O.S.No.179 of 2016, which was filed by the first respondent herein as against the respondents 2 and 3 herein. The said suit is for specific performance of an agreement of sale alleged to have been executed by the respondents 2 and 3 herein in favour of the first respondent herein. The said agreement appears to be in respect of un-divided 2/5 share of respondents 2 and 3. Though the petitioners are entitled to 3/5 share in the suit property, the agreement stated to have been executed by respondents 2 and 3 in favour of first respondent is not in respect of the holdings of petitioners or a portion of their property affecting the rights of revision petitioners.



4. In the suit in O.S.No.179 of 2016, which is for specific performance, the issue relates to enforceability of the agreement stated to have been executed by respondents 2 and 3 in favour of the first respondent. The scope of lis cannot be enlarged by adding parties. Since the principle is well settled, this Court is not inclined to entertain this Civil Revision Petition, as the lower Court has rightly applied the principle to the facts judiciously. This Court finds no merit in the Civil Revision Petition. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

The Principal Subordinate Judge,
Tirunelveli.

C.R.P. (PD) (MD) No.1807 of 2018
15.07.2020

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