

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2479 of 2016

and

CMP.No.12847 of 2016

1. Sivagami

2. Chinnasamy @ Govindaraj

3. E.Arun

... Petitioners

Vs.

Pownu

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order of the District Munsif Court at Dharmapuri, dated 07.03.2016, in I.A.No.998 of 2015 in O.S.No.304 of 2013.

For Petitioners : M/s.Shivani for
Mr.P.Valliappan

For Respondent : Mr.V.Lakshminarayanan

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.998 of 2015 in O.S.No.304 of 2013 dated 07.03.2016 on the file of the District Munsif Court at Dharmapuri, thereby,

allowing the petition filed by the plaintiff to file a rejoinder to the written statement filed by the petitioners herein.

2. The petitioners are the defendants in the suit filed by the respondent herein for declaration and injunction, in respect of the suit property. The petitioners filed a written statement and took a specific stand that the suit property originally belonged to the mother-in-law of the respondent herein, which was sold out to the vendors of the petitioners herein by the sale deed dated 21.09.1970 itself. After her demise, the husband of the respondent herein had no title over the suit property. When that being so, he executed gift deed in favour of the respondent herein. Only on the strength of the gift deed, in respect of the suit property, the respondent filed the suit for declaration and injunction. The written statement was filed on 16.06.2014. After a period of 1 ½ of years, the respondent filed a petition seeking permission to file a rejoinder to the written statement filed by the petitioners herein.

3. On a perusal of the rejoinder, the respondent took a specific plea that the suit property belonged to her husband and as such her mother-in-

law had no right to her sell the property without permission from the competent Court, which is having jurisdiction under the Guardian and Wards Act. However, the Court below, while allowing the petition given liberty to file an additional written statement. Therefore, this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Miscellaneous petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.01.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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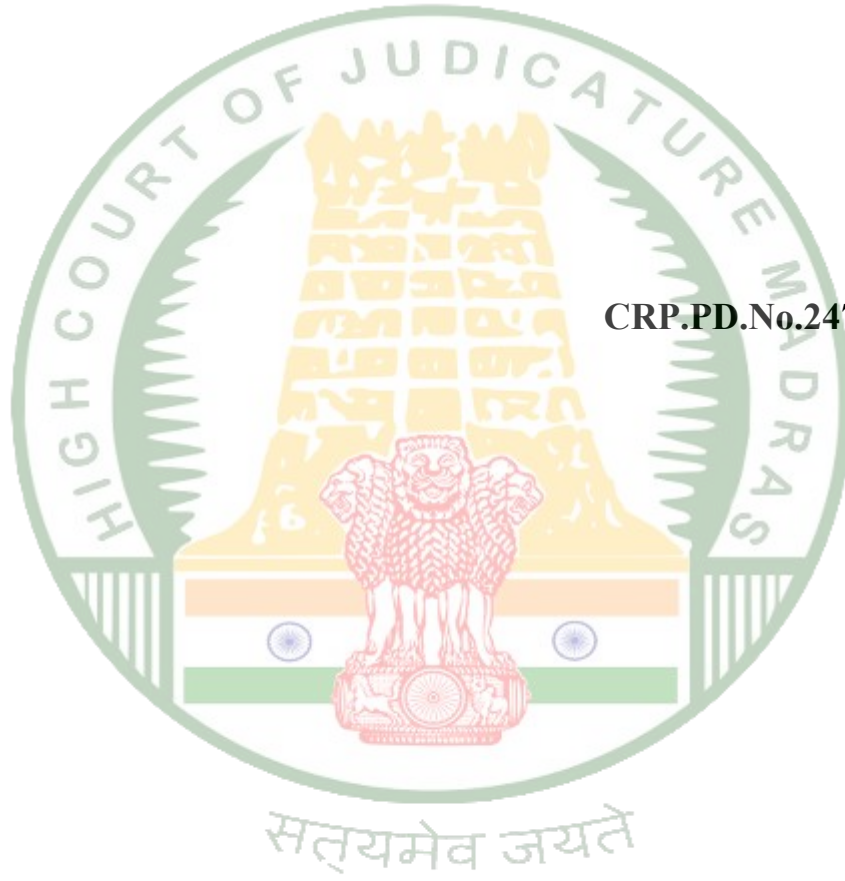
To

The District Munsif Court,Dharmapuri

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G.K.ILANTHIRAIYAN,J.

Kv



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