

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD). No.1835 of 2021
and C.M.P. No.14295 of 2021
(Through Video Conference)

1. Geetha
2. Nithesh
3. Nithyapriya

...Petitioners

Versus

1. Jayalakshmi
2. Dr.Sathyamoorthy
3. Y.Sanjana
4. Y.Nikitha
5. Eswara Vidhyasagar
6. Prashanth
7. Nishanth

8. M/s.Mahalakshmi Agencies
Having business at D.No. G-11,
SIDCO Industrial Estate,
Krishnagiri Taluk and District

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Rep. By its Present Partners
S. Raguraman
son of V.Subramani
D.No.31/167, C.B. Road,
Bargur (post),
Krishnagiri Taluk and District.

9. Sree Mahalakshmi Fruit Products

Registered office at BGR Madepalli Village,
Opp. to TNEB Sub- Station, BRG Madepalli Post,
Via Bargur, Krishnagiri Taluk and District,
Represented by its present
Managing Director M. Geetha
Wife of late Muralidharan
Residing at D.No. 47, 4th Cross,
Co-operative colony, Krishnagiri- 635001

10. The Branch Manager
L.I.C India,
Krishnagiri Branch-635001.

11. R.Thangavel

12. The Sub-Registrar,
Karimanagalam,
Karimangalam Taluk,
Dharmapuri District.

13. G.Ashokan

14. C.Subramani

15.V.Rangappan

16.S.Ravi

17. Raguraman

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set-aside the impugned fair and decretal order made in I.A. No.7/2021 in O.S.No.44/2011 dated 29.04.2021, on the file of the Additional District Judge, Krishnagiri.

For Petitioners : Mr. Rameshvel

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A. No.07/2021 in O.S.No.44/2011 dated 29.04.2021, on the file of the learned Additional District Judge, Krishnagiri.

2. The I.A.No.07 of 2021 was filed for including the property which was omitted to be included in the suit. The learned counsel for the petitioners submitted that the property shown in I.A.No.07 of 2021, is also a joint family property, purchased in the name of the first respondent Jayalakshmi, by her husband, using the income obtained from joint family properties.

3. The respondents/Plaintiffs have omitted to include this property as a suit property. Therefore, I.A.No.07 of 2021 has been filed. However, without considering the merits of the petitioners' claim, the learned Additional District

Judge, Krishnagiri dismissed the petition. Against the said dismissal order, this Civil Revision Petition is preferred.

4. The learned counsel for the petitioners reiterated his submission that properties that have to be included as suit property, were purchased in the name of the first respondent by using the income derived from the joint family properties.

5. Perusal of the order of the learned Additional District Judge, Krishnagiri shows that the property, now sought to be included as suit property, was sold by the first respondent to one Saravanan on 10.12.2005. Considering the long delay in filing this petition to include the property after 16 years of sale, the learned Additional District Judge, Krishnagiri dismissed the petition. It appears that the petitioners have not produced any requisite materials before the learned Additional District Judge, Krishnagiri to show that the properties, now sought to be included were purchased out of the income derived from the joint family properties.

6. The learned Additional District Judge, Krishnagiri also found that there is no recital in the sale deed that the sale proceeds were given by the first respondent / husband when the property was purchased in her name. Taking

note of the fact that there is no prima facie material to show that the property was purchased out of the joint family income and the property was sold to one Saravanan on 10.12.2005, this Court finds that the dismissal of the I.A.No.07 of 2021 by the learned Additional District Judge, Krishnagiri for the reasons afore stated are correct and this Court does not want to interfere with the orders of the learned Additional District Judge, Krishnagiri.

7. With the above directions, this **Civil Revision Petition is Dismissed.**

No costs. Consequently, connected miscellaneous petition is closed.

08.09.2021

Index: Yes/ No
Speaking Order / Non-Speaking Order
sts/JAI

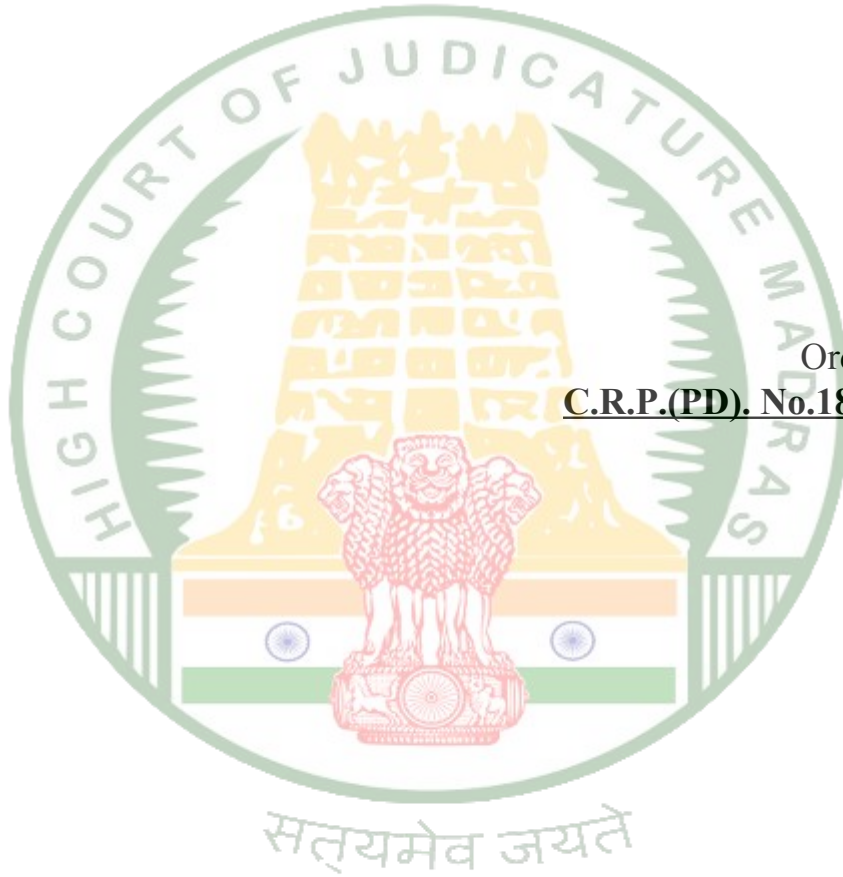
To:

1. The Additional District Judge,
Krishnagiri.
2. The Branch Manager
L.I.C India,
Krishnagiri Branch-635001.
3. The Sub-Registrar,
Karimanagalam,
Karimangalam Taluk,
Dharmapuri District.

C.R.P.(PD)No.1835 of 2021

G.CHANDRASEKHARAN, J.,

sts/JAI



Order made in
C.R.P.(PD). No.1835 of 2021

Dated:
08.09.2021

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