

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.06.2021**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) Nos.4117, 4118 of 2018
and C.M.P.No.22701 of 2018

K.Ananthi

... Petitioner in both CRP's

Vs

1.S.Jayakumar,
Proprietor,
M/s.Ess Jay Kay Industries,
Registered Office at
No.426, Gannusamy Gounder Street,
Rathinapuri, Coimbatore 641 027.

2.S.Kumar

... Respondents in both CRP's

Common Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the Fair and Final Order dated 25.10.2018 made in I.A.No.394 of 2017 in O.S.No.57 of 2017 and I.A.No.393 of 2017 in I.A.No.42 of 2017 in O.S.No.57 of 2017 on the file of Principal District Munsif Court, Coimbatore respectively.

For Petitioner : Mr.PSaravana Sowmiyan
in both CRP's

For Respondents : Mr.M.Aravind Subramaniam for R2
R1 Notice Served No Appearance
in both CRP's

COMMON ORDER

The Civil Revision Petition is filed against the Fair and Final Order dated 25.10.2018 made in I.A.No.394 of 2017 in O.S.No.57 of 2017 and I.A.No.393 of 2017 in I.A.No.42 of 2017 in O.S.No.57 of 2017 on the file of Principal District Munsif Court, Coimbatore respectively, thereby dismissing the petition to implead the petitioner in the interim application as well as the main suit.

2. The first respondent is the plaintiff and the second respondent is the defendant. The first respondent filed the suit for bare injunction in respect of the suit property. While pending the suit, the petitioner herein filed application to implead herself as one of the defendant in the main suit and one of the respondent in the interim injunction application.

3. According to the petitioner, her husband purchased part of the suit property from the power of attorney of the second respondent herein by a registered sale deed dated 14.07.2006. By virtue of the said sale deed, her husband executed settlement deed dated 24.09.2009 registered as Doc.No.481 of 2009 in favour of the petitioner herein. She was also given possession and enjoyment of the suit schedule property and she is in continuous possession and enjoyment of the same.

4. The first respondent filed the present suit on the capacity of the lessee from the second respondent and sought for permanent injunction in respect of the suit property. In fact, the second respondent lodged a complaint alleging that the power of attorney, who executed the sale deed in favour of the petitioner's husband and also so many persons forged the signature and executed so many sale deeds. Therefore, the petitioner filed petition to implead herself as a party to the suit. It was only for the reason that she failed to produce any scrap of paper to establish her title over the suit property.

5. On perusal of the petition revealed that she annexed the settlement deed executed in favour of her dated 24.09.2009 by her husband in respect of parted the suit property, her husband executed the settlement deed only in the strength of the sale deed, dated 14.07.2006, executed in his favour by the power of attorney of the second respondent herein. Therefore, the petitioner is a necessary party to the suit and the order passed by the Court below is set aside.

6. Accordingly, the Order dated 25.10.2018 passed in I.A.No.394 of 2017 in O.S.No.57 of 2017 and I.A.No.393 of 2017 in I.A.No.42 of 2017 in O.S.No.57 of 2017 on the file of Principal District Munsif Court, Coimbatore is set aside and these Civil Revision Petitions are allowed. The petitioner is directed to produce the copy of the sale deed dated 14.07.2006 and also the power of attorney dated 24.09.2009 executed in her favour before the Court below. Consequently, the connected miscellaneous petition is closed. No order as to costs.

30.06.2021

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
rna

To

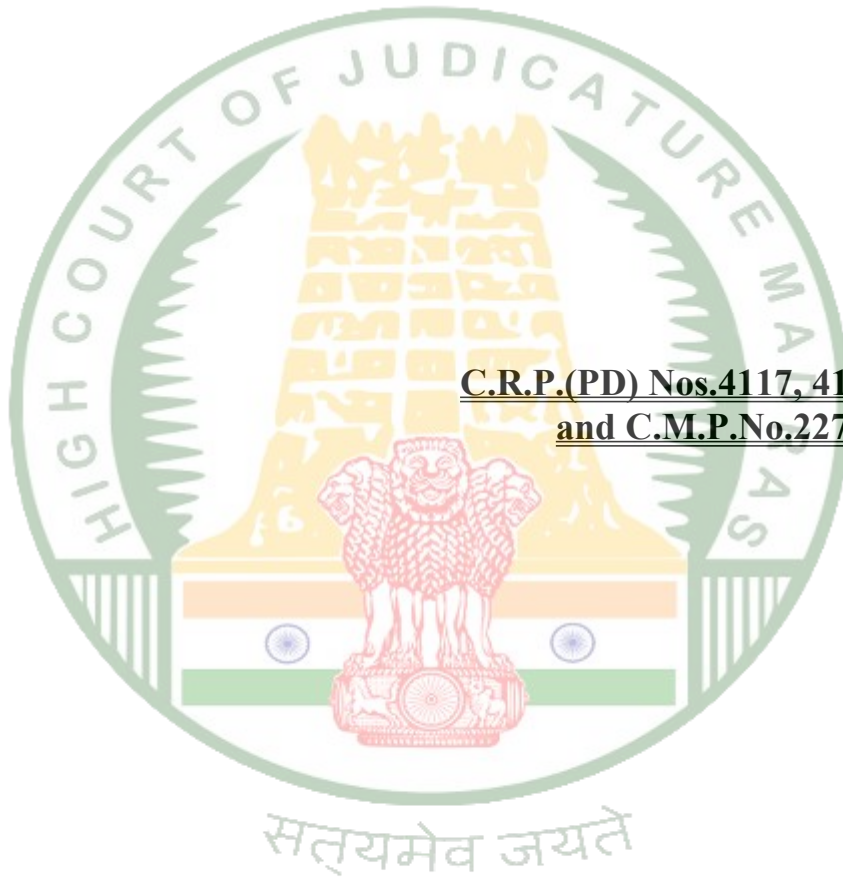
The Principal District Munsif Court,
Coimbatore.



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G.K.ILANTHIRAIYAN. J,

rna



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