



CRP No.1694 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

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

CRP.No.1694 of 2016
and CMP.No.9030 of 2016

S.Maha

..Petitioner

Vs.

1.M.Nirmala

2.T.K.T.G.Srinivasan

3.Nagaraj

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.60 of 2015 in O.S.No.86 of 2013 by its fair and decreetal order dated 17.02.2016 passed by the Principal District Judge, Vellore.

For Petitioner : Mr.P.Chandrasekar

For Respondents

For R1 : No appearance

For R2 & 3 : No appearance

ORDER

The civil revision petition has been filed as against the fair and decreetal order dated 17.02.2016 passed in I.A.No.60 of 2015 in O.S.No.86 of 2013 on



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the file of the Principal District Judge, Vellore, thereby dismissing the petition filed to implead the petitioner as one of the plaintiff in the suit.

2. The respondent 2 and 3 are defendants in the suit filed by the wife of the petitioner herein to declare that the sale deed executed by the second defendant in favour of the first defendant as null and void. However, pending the suit, the petitioner, being husband of the plaintiff, filed an application to implead himself as a party to the suit on the strength of the Power of Attorney. The second defendant executed a sale deed in favour of the first defendant. The petitioner's wife already filed a suit for declaration declaring that the sale deed executed by the second defendant in favour of the first defendant as null and void, on the ground that that she never executed any Power of Attorney.

3. The learned counsel for the petitioner would submit that now there is strained relationship between the petitioner and his wife and as such, he wanted to implead himself as a party in the original title deeds standing in the name of the plaintiff in respect of the suit schedule property. Therefore, the plaintiff had challenged the sale deed executed in favour of the first defendant by the second defendant. Hence, the petitioner is not a necessary party to the present suit. Hence, the Court below rightly rejected the request made by the petitioner and



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this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, the civil revision petition stands dismissed. However, if the petitioner really has any grievance as against the original plaintiff, he may approach the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

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

The Principal District Judge,
Vellore.



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G.K.ILANTHIRAIYAN.J,

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