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C.R.P.(PD) No.1720/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD)No. 1720 of 2022

and

CMP.No.8682 of 2022

S.Rajendran

...

Petitioner

Palaniammal (died)

Vs.

1.S.C.Venkatesh

2.C.Mathiyarasan

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 21.04.2022 in I.A.No.1 of 2021 in O.S.No.30 of 2015 on the file of the IV Additional District & Sessions Judge at Coimbatore.

For Petitioner : Mr.S.Rajendiran (PIP)

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned IV Additional District and Sessions Judge, Coimbatore dated



21.04.2022 made in I.A.No.1 of 2021 in OS.No.30 of 2015.

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2. The revision petitioner is the third party to the suit in O.S.No.30 of 2015. When the suit was pending, the civil revision petitioner filed a petition in I.A.No.1 of 2021 to implead himself as a party to the proceedings and the said petition was dismissed. Aggrieved over that the revision petitioner has preferred this Revision Petition.

3. The claim of the revision petitioner is that the deceased / 1st defendant namely Palaniammal had executed a Will dated 18.04.2018 in favour of the Revision Petitioner in respect of a portion of the suit property.

4. When the matter was taken up, the Revision Petitioner appeared in person and submitted that the total extent of the property in Survey Number 411/1 is 633 Acres.

5. On perusal of the alleged Will produced by the party in person, it is seen that the subject matter of the Will is situated in T.S.No.58/2 A for an extent of 37 Cents and the related Survey Number is 411/1 A2. However



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in the suit property, it is clearly mentioned that the survey Number of the suit property is 411 /1 A1 and the extent of the suit property is 0.75 ½ Acres. Since the suit property is different from that of the property alleged to be stated in the Will and as claimed by the revision petitioner, the revision petitioner is not a necessary party to the suit. The learned trial Judge has rightly dismissed the petition. I do not find any reason for interference.

Accordingly, this Civil Revision Petition stands **dismissed**. The order of the learned IV Additional District and Sessions Judge, Coimbatore dated 21.04.2022 made in I.A.No.1 of 2021 in O.S.No.30 of 2015, is confirmed. No costs. Consequently connected miscellaneous petition is also closed.

13.06.2022

Index : Yes/No
Speaking Order : Yes / No
jrs



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R.N.MANJULA, J.,

jrs

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1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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