



CRP.No.2745 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2745 of 2022
and
CMP.No.14420 of 2022

Lakshmi (Died)

1.Thirumal
2.Elavarasan
3.Ganga

... Petitioners

Vs.

1.Manivannan
2.Navamani
3.Suguna

4.Sri Vijay Vidyalaya Educational Institutions
Chairman D.N.C.Manivannan
Dharmapuri Town
Dharmapuri Taluk and District.

... Respondents



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair & decreetal order of the Principal Subordinate Court, Dharmapuri, dated 03.06.2022 in I.A.No.1 of 2021 in O.S.No.55 of 2010.

For Petitioners : Mr. P.Valliappan
for M/s.PV Law Associates

ORDER

This petition has been filed to set aside the fair & decreetal order of the Principal Subordinate Court, Dharmapuri, dated 03.06.2022 in I.A.No.1 of 2021 in O.S.No.55 of 2010.

2. This petition is filed against the order allowing the impleading petition in I.A.No.1 of 2021 in O.S.No.155 of 2010



3. The petitioners herein filed a suit for partition against the respondents 2 to 4. When the said suit was pending, the first respondent herein filed an application for impleading himself as party/defendant in the suit and the said application was allowed. Aggrieved by the said order, the revision petitioners/plaintiffs, have come up with this revision.

4. The revision petitioners even in the plaint averment stated that the suit properties originally belonged to the Hindu Joint Family consisting of one Perumal and his two sons namely, N.P.Balakrishnan and Manivannan. Further they claimed that there was an oral partition between N.P.Balakrishnan and the said Manivannan. Now, the suit has been filed for partition of the property allegedly allotted to the share of N.P.Balakrishnan. The impleading party, viz., Manivannan claims that he also got a share in the suit property. Whether there was a valid partition between



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Manivannan and N.P.Balakrishnan is the matter which has to be decided at the time of final disposal of the suit. Admittedly, the suit is the ancestral property of N.P.Balakrishnan and Manivannan and now the proposed parties claiming a share in it. Hence, proposed parties, the brother of the said N.P.Balakrishnan is a necessary and proper to the suit. Therefore, I do not find any illegality or irregularity in allowing the impleading application filed by the said Manivannan.

5. Accordingly, this Civil Revision Petition is dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

The Principal Subordinate Court, Dharmapuri,



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S.SOUNTHAR, J.

dna

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