



C.R.P.(PD)No.1995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)No.1995 of 2022

and

C.M.P.No.10236 of 2022

Brinda

... Petitioner

..Vs..

1.Indrani

2.Duraisamy

3.Rajam Ammal

... Respondents

Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 07.04.2022 made in I.A.No.4 of 2022 in O.S.No.71 of 2017 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal.

For Petitioner : Mr.N.Manojkumar

ORDER

This Civil Revision Petition has been preferred challenging the order dated 07.04.2022 passed in I.A.No.4 of 2022 in O.S.No.71 of 2017 by the learned Sessions Judge, Special Court for Trial of Cases under

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SC/ST (POA) Act, Namakkal.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The revision petitioner is a third party. The first respondent/plaintiff filed a suit in O.S.No.71 of 2017 against the respondents 2 and 3/defendants for partition and separate possession of her share in the suit property. During the pendency of the proceedings, the revision petitioner filed an application to implead herself as a party in the suit and the same was dismissed. Aggrieved over the same, the petitioner/third party has preferred the present revision.

4. The learned counsel for the petitioner submitted that the petitioner/proposed party is none other than the daughter of the first defendant. The suit property being an ancestral property and the petitioner is also one of the coparcener, her presence is very much



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essential for effective disposal of the suit. One of the siblings has filed the suit against the other siblings for partition of the suit property. The father of the proposed third party is very well represented in the suit by getting arrayed as the first defendant. Only if the entitlement of the first defendant is determined and his share is fixed, the proposed party can claim her share in the property allotted to her father.

5. The apprehension of the revision petitioner is that she being a female, her father might not give any share to her. When the plaintiff alleges that the suit property is an ancestral one, whatever share allotted to the first defendant could be for his entire branch only.

6. Under such circumstances, it is right for the learned trial Judge to dismiss the application by observing that the proposed parties are not essential party to the proceedings and the suit can be tried in their



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absence. As such, I do not find any factual or legal infirmity in the order passed by the learned trial Judge.

7. Accordingly, this Civil Revision Petition is dismissed and the fair and decretal order dated 07.04.2022 passed in I.A.No.4 of 2022 in O.S.No.71 of 2017 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2022

Index:Yes No
Speaking Order:Yes/No
ms

To

The Sessions Judge,
Special Court for Trial of Cases
under SC/ST (POA) Act,
Namakkal.

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R.N.MANJULA, J.

ms

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