



C.R.P(PD).No.2470 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.2470 of 2022
and C.M.P.No.12759 of 2022

S.Gopalakrishnan

... Petitioner

..Vs..

1.S.Arumugam
2.S.Selvakumaran
3.G.Jayakala
4.S.Chithirai Selvi
5.S.Anubha
6.Minor S.Sriram
7.S.Sivajothi
8.M/s.Vaikam Stores,

Rep by its Joint Family Manager,
S.Arumugam

...Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the order of the learned Additional District Judge, Ariyalur, dated 02.06.2022 made in I.A.No.3 of 2020 in O.S.No.37 of 2018.

For Petitioner : Mr.P.Asai Thambi



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ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional District Judge, Ariyalur, dated 02.06.2022 made in I.A.No.3 of 2020 in O.S.No.37 of 2018.

2.The revision petitioner is the plaintiff who has filed the said suit for partition. During the pendency of the suit proceedings, the petitioner has filed an interlocutory application in I.A.No.3 of 2020 under Order VII Rule 3 and Section 151 CPC to implead one more property as item No.24 in the description of the 'A' schedule suit properties and the said petition was dismissed. Aggrieved over that, the petitioner has preferred this revision petition.

3.The learned counsel for the petitioner submitted that despite the petition mentioned property was purchased in the name of the respondents 1, 2 and 4 by virtue of a registered sale deed dated 04.02.2019, the sale proceeds are from the joint family business and



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hence, the said property should also be included as a suit property and subjected it to partition. The learned trial Judge has chosen to dismiss the petition by stating that the suit has been filed on 17.12.2018 and the date of sale deed is subsequent to the suit.

4.The sale deed dated 04.02.2019 stands in the name of the respondents 1, 2 and 4. Admittedly, the suit has been filed in the year 2018 by pleading the cause of action in respect of the properties already shown as the suit schedule. The sale deed dated 04.02.2019 is subsequent to the suit and the petitioner wants to stake claim over the subject matter of the said sale deed also. His one and only contention is that the property was purchased on 04.02.2019 with the joint family income. Having filed the suit in the year 2018, the petitioner cannot go on to include the properties which are the subject matter of the subsequent transactions between the respondents and third parties. The learned trial Judge has rightly chosen to dismiss the petition and hence, I find no ground for interference.



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5.In view of the above, this Civil Revision Petition is dismissed and the order of the learned Additional District Judge, Ariyalur, dated 02.06.2022 made in I.A.No.3 of 2020 in O.S.No.37 of 2018, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is also closed.

05.08.2022

vkrr

Index:Yes No

Speaking Order:Yes/No

To

- 1.The Additional District Judge, Ariyalur.
- 2.The Section Officer,
VR Section, Madras High Court, Chennai.



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R.N.MANJULA,J.

Vkr

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