



CRP.No.3179 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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1.Sampoornam
2.Chandrakala
3.Pushpalatha

... Petitioners

Vs.

1.Samiathal
2.N.Selvi
3.Dhanalakshmi
Respondents

...

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 21.06.2022 passed by the learned I Additional Subordinate Judge, Erode, in I.A.No.2 of 2021 in O.S.No.642 of 2017.



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For Petitioners : Mr.A.Sriram

ORDER

Aggrieved by an order allowing the impleading application in a suit for partition, the defendants have come up by way of this revision.

2. The first respondent herein filed a suit for partition against the revision petitioners in O.S.No.642 of 2017 on the file of the I Additional Subordinate Judge, Erode. Pending suit, the first respondent appeared to have settled her undivided share in favour of her daughters namely, the respondents 2 & 3. Thereafter, the first respondent filed a petition for impleading the settlees, in I.A.No.2 of 2021 and the said impleading application was allowed by the Court below, on the ground that the settlees are proper parties to the suit for partition. Aggrieved by the same, the defendants have come up by way of this petition.



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3. The learned counsel for the petitioners submitted that the first respondent/settlor herself had no right over the suit property and hence, the settlement deed executed by her in favour of her daughters is not valid in the eye of law. Consequently, it is the case of the revision petitioners that impleading petition ought not to have been allowed.

4. The validity of the settlement deed executed by the first respondent and her competency to execute settlement deed etc., are all matters to be decided in the suit. By impugned order, the Court below impleaded the settlees as parties along with first respondent. By allowing the impleading petition, no prejudice would be caused to the revision petitioners and it is always open to them to raise the question of entitlement of the first respondent to settle the property and validity of the settlement deed etc., at the time of final disposal of the suit. Therefore, I do not find any illegality or irregularity in the order passed



by the Court below.

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S.SOUNTHAR, J.

dna

5. Accordingly, this Civil Revision Petition is dismissed.

No costs.

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Index : Yes / No

Internet : Yes / No

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To

The I Additional Subordinate Judge, Erode.

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