



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP (MD) No.525 of 2021

and

CMP (MD) No.2779 of 2021

A.Asaithambi : Revision Petitioner/Petitioner/
Proposed Party

Vs.

1.R.Ambiga : 1st Respondent/1st Respondent/
Plaintiff

2.P.Sureshkumari

3.P.Senthilkumar

4.P.Krishnamoorthy

5.P.Ragunathan

: Respondents 2 to 5/Respondents 2 to 5/
Defendants 1 to 4

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the fair and decreetal order dated 18.09.2020 made in I.A.No.234 of 2018 in O.S.No.36 of 2017 on the file of the 2nd Additional District Judge, Tiruchirappalli and set aside the same.

For Petitioner : Ms.S.Mahalakshmi

ORDER

This civil revision petition is filed as against the fair and decreetal order passed by the learned 2nd Additional District Judge, Tiruchirappalli, in I.A.No.234 of 2018 in O.S.No.36 of 2017, dated 18.09.2020.

2.The petitioner filed the above interlocutory application for impleading him as a party to the suit in O.S.No.36 of 2017. The case of the petitioner is that the suit properties are joint family properties, in which, he is also having a share and therefore, he is a necessary party to the suit.

3.The suit was filed by the first respondent for partition and she is the daughter of one Prakasam. The second respondent / first defendant is the wife of Prakasam and the respondents 3 to 5 / defendants 2 to 4 are the other children of Prakasam. The



petitioner, who is the brother of Prakasam, claims that the properties are joint family properties.

4.The trial Court dismissed the application on the ground that the suit is for partition of the properties of Prakasam and this petitioner has not produced any documents to establish that they are joint family properties. Moreover, the petitioner and Prakasam are sons of one Ayyavu, who had seven children. Apart from this petitioner, the other children, ie., the other brothers / sisters have not raised any issue that they are joint family properties. By holding so, the trial Court has rejected the petitioner's contention and this Court does not find any error in the said observation warranting interference.

5.Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

gk

To

The 2nd Additional District Judge,
Tiruchirappalli.

COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.S. MAHALAKSHMI, Advocate (SR-28211[F] dated 27/06/2022)
CRP (MD) No.525 of 2021
23.06.2022

NSN (CO)

GC (04.07.2022) 2P 5C