



C.R.P. No. 111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.111 of 2023

and

C.M.P.No.901 of 2023

T.Saraswathi

... Petitioner

Vs

1.Srinivasaperumal

2.T.Vijayakumar

... Respondents

PRAYER : Civil Revision Petition filed Under Article 226 of the Constitution of India, Challenging the judgment and Decree dated 27.10.2022 in I.A.No.52 of 2022 in O.S.No.230 of 2012, on the file of the Additional District Munsif, Cuddalore.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.N.Kolandaivelu



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ORDER

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The petitioner has challenged the order passed by the learned Additional District Munsif, Cuddalore, in I.A.52 of 2022 in O.S.No.230 of 2012, dated 27.10.2022.

2. The learned counsel for the revision petitioner submitted that the petitioner is the original owner of the suit property, though she executed sale deed in favour of the second respondent herein/ plaintiff on 21.01.2010. But, she has not received the entire sale consideration and there is a balance of Rs.2,73,000/- to be paid. So, the petitioner wants to implead as one of the parties in the suit.

3. The application was strongly objected by the 1st respondent stating that on 21.01.2010 he purchased the property for a valid consideration and thereafter he is in possession and enjoyment as absolute owner of the suit property. At the instigation of the petitioner, in the partition suit filed by her son/ 2nd respondent herein, the petitioner also entered into the witness box and adduced the evidence and then she sold property in favour of plaintiff /



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1st respondent herein and nearly after 10 years from the sale deed, now she filed a vexatious application to implead herself as one of the parties in the suit in O.S.No.15 of 2010, and as such the application is not acceptable.

4. The learned trial Judge dismissed the said suit on the ground that the relief claimed by the 2nd respondent herein / plaintiff is bared by limitation. However, the plaintiff has not paid the balance sale consideration from the year 2010 and nearly about 10 years later, the application is not maintainable.

5. The learned counsel for the petitioner submitted that the plaintiff has to pay the balance sale consideration to the revision petitioner / 3rd party.

6. But the learned counsel for the 2nd respondent / plaintiff submitted that in an earlier deposition in O.S.No.15 of 2010, the petitioner clearly admitted that already she sold property to the plaintiff on 21.01.2010.



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7. On perusal of the deposition, it is clear that the petitioner admitted that she sold property with valid consideration and the admission made by this petitioner is based on the evidence which does not require further proof. The plaintiff filed the suit for recovery of possession and in that suit, 3rd party has no right to file the petition for balance sale consideration. Accordingly, the said suit was dismissed by the trial Judge, which needs no interference by this Court.

8. The present Civil Revision petition is dismissed as devoid of merits. The learned trial judge is directed to dispose of the suit in O.S.No.230 of 2012 within a period of four months from the date of receipt of a copy of this order.

06.04.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral citation: Yes/No

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To

The Additional District Munsif, Cuddalore.

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T.V.THAMILSELVI, J.

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