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C.R.P.(PD) Nos. 3847 to 3850 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HON'BLE Mr. JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(PD) Nos. 3847 to 3850 of 2016
and
C.M.P. Nos. 19609 to 19612 of 2016**

C.R.P.(PD) No. 3847 of 2016:-

Lalitha Rani

...Petitioner

Vs.

1. Anurag Jain
2. Purushotham Das Jain
3. Kalpana Agarwal
4. Vishal Agarwal Purushotham
5. Vinay Purushotham Jain

...Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the fair and decreetal order dated 31.08.2016 passed in I.A. No. 1546 of 2014 in I.A. no. 332 of 2013 in O.S. No. 58 of 2013 on the file of the District Munsiff, Thiruvottriyur.

C.R.P.(PD) No. 3848 of 2016:-

Lalitha Rani

...Petitioner

Vs.



C.R.P.(PD) Nos. 3847 to 3850 of 2016

1. Anurag Jain
2. Purushotham Das Jain
3. Kalpana Agarwal
4. Vishal Agarwal Purushotham
5. Vinay Purushotham Jain

...Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the fair and decreetal order dated 31.08.2016 passed in I.A. No. 1547 of 2014 in O.S. No. 58 of 2013 on the file of the District Munsiff, Thiruvottriyur.

C.R.P.(PD) No. 3849 of 2016:-

Lalitha Rani

...Petitioner

Vs.

1. Sandeep Jain
2. Purushotham Das Jain
3. Kalpana Agarwal
4. Vishal Agarwal Purushotham
5. Vinay Purushotham Jain

...Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the fair and decreetal order dated 31.08.2016 passed in I.A. No. 1553 of 2014 in I.A. No. 334 of 2013 in O.S. No. 59 of 2013 on the file of the District Munsiff, Thiruvottriyur.

C.R.P.(PD) No. 3850 of 2016:-

Lalitha Rani

...Petitioner

Vs.

1. Sandeep Jain
2. Purushotham Das Jain
3. Kalpana Agarwal



C.R.P.(PD) Nos. 3847 to 3850 of 2016

4. Vishal Agarwal Purushotham

5. Vinay Purushotham Jain

...Respondents

Prayer:- Petition filed under Article 227 of the Constitution of India praying to allow the above C.R.P. by setting aside the fair and decretal order dated 31.08.2016 passed in I.A. No. 1553 of 2014 in I.A. No. 334 of 2013 in O.S. No. 59 of 2013 on the file of the District Munsiff, Thiruvottriur.

For Petitioner : Mr. Samir Shah
for M/s. Shah and Shah

For Respondents : Mr. N.R. Anantha Ramakrishnan
(R1) (In all CRPs)

RR2 to 5 - Served – No appearance
(in all CRPs)

COMMON ORDER

The plaintiffs are Anurag Jain and Sandeep Jain. They claim title to the B Schedule mentioned property on the basis of a koor-chit. The relationship between the parties is not in dispute. The first defendant states that the koor-chit on the basis of which the plaintiffs have made a claim is a forged document. She had filed counter-affidavits in I.A. Nos. 332 and 334 of 2013 i.e., the interlocutory applications filed for grant of interim injunction that she is not the owner of the property any more as she had



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alienated the property in favour of the three people viz., (1) Kalpana (2) Vishal and (3) Vinay.. In order to implead them, applications were presented in I.A. Nos. 1546 and 1547 of 2013 in O.S. No. 58 of 2013 and I.A. Nos. 1553 and 1554 of 2014 in O.S. No. 59 of 2013.

2. Taking note of the specific stand of the first defendant that she had alienated the property in favour of her children, they were impleaded as parties. Challenging the same, the present revisions have been presented.

3. Under Order 22 Rule 10 of the Code of Civil Procedure, 1908 on the execution of the settlement deed, the right of the first defendant stood transferred to the proposed parties. It is the discretion of the plaintiffs to present the suits for injunction or such other relief as they may want, as against the first defendant or the persons, who came to be actual owners of the property, on the date of presentation of the plaint.

4. The act of settlement by the owner of the property in favour of her children is known only to her and not to the plaintiffs. It was the first



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defendant, who brought the said fact to the notice of the court and consequently, the plaintiffs had acted upon the same.

5. Mr.Samir Shah, learned counsel appearing for the petitioner would vehemently contend that the order passed by the learned trial Judge is not detail and that he should have given reason for the same.

6. I have gone through the orders. I find that the learned Judge has specifically recorded that the factum of the settlement of the property had been disclosed by the first defendant in the interlocutory applications filed by the plaintiffs. When the factum of the transfer is not in dispute, the learned trial Judge has come to the right conclusion and the reasons granted in the orders are sufficient. I find no reason to interfere with the orders impleading respondent nos. 3 to 5 as parties to the suits.

7. These civil revision petitions stand dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.



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8. I should add, the observations in these orders are confined only for the purpose of the disposal of these civil revision petitions. I have not gone into the merits of the claim with respect to koor-chit or the settlement deed in these civil revision petitions.

04.07.2023

Maya

NCS : Yes/No

Index : Yes/No

To

The District Munsiff,
Thiruvottriyur.



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V.LAKSHMINARANAN, J.

Maya

**C.R.P.(PD) Nos. 3847 to 3850 of 2016
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