



C.R.P. No. 2545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2545 of 2023

and

C.M.P.No.15730 of 2023

Subramani

...Petitioner

.Vs.

Nallammal (died)

1. Nallammal

2. Thirumayee @ Malayammal

3. Ponnusamy @ Kamaraj @ Prabakaran ...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the

Constitution of India, praying to set aside the Fair and Final orders dated

22.06.2023 passed in Unnumbered I.A.No. of 2023 in O.S.No.417 of

2018 on the file of the Subordinate Judge, Paramathi and allow the above

C.R.P and pass orders.

For Petitioner : Mr. R. Nalliyappan



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ORDER

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This petition is filed to set aside the Fair and Final orders dated 22.06.2023 passed in Unnumbered I.A.No. of 2023 in O.S.No.417 of 2018 on the file of the Subordinate Judge, Paramathi and allow the above C.R.P

2. The case of the petitioner is that he filed a I.A in O.S.No.417 of 2018 under Order 1, Rule 10 and Section 151 of C.P.C seeking to implead him as 3rd defendant in the main suit and the same was dismissed vide order dated 22.06.2023. Hence this petition.

3. The learned counsel for the petitioner submitted that the petitioner has right over the subject property hence, the petitioner has to be impleaded as a party in the suit and the learned Judge ought to have allowed the I.A filed by the petitioner. Hence prays to allow this petition.

4. On going through the impugned order it is seen that the learned Judge had dismissed the I.A on the ground that the fourth respondent herein has executed a unregistered mortgage deed in favour of the petitioner in respect of the subject property, further the



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petitioner is not having any share over the suit property, which finding in the considered view of this Court cannot be brushed aside easily.

Therefore, there is no necessity to interfere with the impugned order passed by the Court below.

5. In view of the above, the order passed in unnumbered I.A.No. of 2023 in O.S.No.417 of 2018 dated 22.06.2023 on the file of the Subordinate Judge, Paramathi is confirmed. Accordingly this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The Subordinate Judge, Paramathi



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V.BHAVANI SUBBAROYAN,J.
Smn

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