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CRP(PD).No.3343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

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

CRP(PD).No.3343 of 2022
and CMP.No.17721 of 2022

1. M.Bhuvaneshwari
2.
...Petitioners

K.Mohan

Vs.

1. S.Lakshmi

2. Minor S.Karthikeyan
S/o. Late Mr.Singaravelan
Rep by his natural guardian and
Mother S.Lakshmi

3. The Sub Registrar
Sub Registration Office,
Ambattur, Chennai – 600 053.

4. The Assistant Engineer
Electricity Board, Ambattur,
Chennai – 600 053.
...Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 06.08.2022 by the District Munsif at Ambattur in I.A.No.5 of 2022 in O.S.No.133 of 2020.



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For Petitioners : Mr.J.Kather Hussain

For R1 and R2 : Mr.R.Ramesh

For R3 : Mr.V.Jeevagiridaran
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to set aside the order dated 06.08.2022 passed by the District Munsif, Ambattur in I.A.No.5 of 2022 in O.S.No.133 of 2020.

2. Before the trial Court, the plaintiffs/respondents 1 and 2 have filed a suit in [O.S.No.133](#) of 2020 for the relief of declaring the settlement deed executed by Mrs.Vijaya, the 1st plaintiff's mother-in-law in favour of the 1st defendant as null and void. After receipt of notice, the defendants 1 and 2/revision petitioners have filed an application before the trial Court under Order VII Rule 11(d) CPC., to reject the plaint on the ground that the plaintiffs are not entitled to dispute the settlement deed executed by Mrs.Vijaya, the 1st plaintiff's mother-in-law in favour of the 1st defendant since because the property is belongs to her mother. Hence, the claim of the plaintiffs in respect of the property as well as the cancellation of



the settlement deed which is not maintainable.

3. The said application was strongly objected by the plaintiff stating that the first plaintiff nor the defendants 1 and 2/revision petitioners directed any amount to purchase the property. It is a self acquired property of the plaintiff's husband and her father-in-law, so the plaintiffs have right over the suit property. However, the 1st defendant mother executed the settlement deed in faovur of her daughter in the year 2009 as such is not permissible.

4. On hearing both sides, the trial Court had dismissed the said application on the ground that the issue of limitation can be decided only based on the oral and documentary evidence let in trial and the defendants 1 and 2 have not let in anyone specific oral or documentary evidence.

5. Challenging the same, the defendants 1 and 2 have filed this Civil Revision Petition.

6. The learned counsel for the revision petitioners submitted that the plaintiff are not entitled to any relief and the property was belongs to the revision petitioner's mother. He further submitted that the 1st plaintiff is employee in Police



Department, she caused interference to the revision petitioners. He further submitted that the trial Court had dismissed the application as such is erroneous one. Hence, he prayed to allow this petition.

7. Heard the learned counsel for the respondent 1 and 2 and the learned Additional Government Pleader appearing for the 3rd respondent.

8. On a perusal of the records, it reveals that the suit was filed in the year 2020 for the relief of partition and declaring the settlement deed executed by her mother-in-law in favour of the 1st defendant. Therefore, the 1st defendant is the absolute owner of the property and Patta was also transferred in her name as on date, the 1st defendant is enjoyment of the property. However, the plaintiff stated that the mother of the 1st defendant has no right to execute the settlement in favour of the 1st defendant and disputed the nature of the property and the same can be decided only at the stage of trial. Hence, the trial Judge had rightly appreciated the facts and dismissed the application, which needs no interference by this Court. Further, the trial Court is directed to dispose of the suit as early as possible.



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9. In view of the above, this Civil Revision Petition is disposed of.
Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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To

1. The District Munsif, Ambattur.
2. The Section Officer,
VR Section,
High Court of Madras.



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T.V.THAMILSELVI.J.

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