



WEB COPY



CRP No.4447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4447 of 2023
and
C.M.P. No. 26850 of 2023

1. Gunasekaran
2. Nithya

... Petitioners

Versus

1. Kavitha
2. Kannammal

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and final order dated 01.08.2022 passed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in I.A.No. 1 of 2021 in O.S.No. 8 of 2019.

For Petitioners : Mr. L.Mouli

ORDER

The petitioner has filed this revision petition to set aside the fair and decreetal order dated 01.08.2022 passed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in I.A.No. 1 of 2021 in O.S.No. 8 of 2019.



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2. Heard, Mr. L.Mouli, learned counsel for the petitioner and perused the materials available on record.

3. Before the trial Court the plaintiff has filed an application under Order I Rule 10 and Section 151 of CPC to implead Nithya as a 3rd defendant in I.A.No.1 of 2021 and the same was allowed by the learned trial Judge. Aggrieved the said order the revision petitioners have preferred this revision.

4. Admittedly, 2nd defendant is the husband of the proposed party Nithya to execute the settlement deed on 31.12.2020. During the pendency of the suit proceedings, the plaintiff filed an application to implead her as necessary party. As on date suit is not ripe for trial. The suit has been filed for partition and the documents were executed by the plaintiff, during the pendency of the proceedings impleading her as necessary party, no prejudice would be caused to the revision petitioners, since, as her husband executed gift deed in respect of the suit property during pendency of the proceedings. Therefore, I do not find any reason to allow this application. The learned trial Judge rightly concluded, which needs no interference by this Court.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently,



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connected miscellaneous petition is closed. No costs.

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

1. The III Additional District and Sessions Judge,
Erode at Gobichettipalayam.
- 2.The Section Officer,
VR-Section, High Court of Madras.



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