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C.R.P.No. 4596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4596 of 2023

and

C.M.P.No.27456 of 2023

- 1.Malarkodi
- 2.Jayalakshmi
- 3.Dhanalakshmi

.. Petitioners

Vs

- 1.Usharani
- 2.Ramanujam
- 3.Visalatchi
- 4.Kalyiyaperumal
- 5.Chandra

- 6.Sub-Registrar
Sub-Registrar Office
Tiruvarur,
Tiruvarur Munsif.

- 7.Leelavathi
- 8.Pathmavathi
- 9.Babi
- 10.Rajendran
- 11.Kalyiaperumal
- 12.Vasanth
- 13.Rama
- 14.Ramesh
- 15.Ranjith

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16.Dineshraj

17.Deenathayalan

.. Respondents

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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by District Munsif Court, Tiruvarur in I.A.No.410 of 2021 in O.S.No.97 of 2016 on 15.09.2023.

For Petitioners : Ms. A. Sumathy

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.410 of 2021 in O.S.No.97 of 2016, the third parties have preferred the revision.

2. Before the trial Court, the third parties / petitioners herein filed an application to implead themselves as a necessary party to the suit proceeding stating that they are the sisters of the second defendant in the main suit and the plaintiff who claimed herself as adopted daughter is no way connected with the property and they are having valid right over the property. That application was dismissed by the trial Judge stating that it is



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the suit for bare injunction and there is no cause of action as parties disturbed the possession of the plaintiff over the suit schedule property.

Challenging the said finding, the proposed parties preferred this revision.

3. The learned counsel for the petitioners submitted that they are having valid right over the property but without impleading the legal persons, the plaintiff is attempting to get relief from the Court.

4. Admittedly, the petitioners are the legal heirs of one Lakshmanan who is the first defendant in the partition suit in O.S.No.11 of 1984, so they are having valid defence in respect of the suit property. However, the plaintiff's claim right through one Vedhaiah Naidu and his wife Ranganayaki. The said Vedhaiah Naidu is the brother of Lakshmanan and now the revision petitioners are the legal heirs of the said Lakshmanan. To avoid further complications, they are the necessary parties to the suit proceeding but the trial Judge erroneously dismissed the application. Therefore, the order passed by the trial Judge in I.A.No.410 of 2021 in O.S.No.97 of 2016 is set aside.



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5. Accordingly, the Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

13.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The District Munsif Court, Tiruvarur.



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T.V.THAMILSELVI, J.

AT

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