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C.R.P.No.4662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

C.R.P.No.4662 of 2023

and

C.M.P.No.27730 of 2023

Saradha

... Petitioner

-Vs-

1.M.Annakodi @ Annapoorani

2. K.Ravichandran

3. K.Murugan

Srinivasan (died)

4. Vadivu @ Shanmugavadivu

5. Selvam

6. Ganesan

7. Suganya

8. Usha

9. Devadas

10. Keerthana

11. Dhanam @ Dhanalakshmi

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside order dated 03.11.2023 passed in I.A.No.2 of 2023 in O.S.No.93 of 2015 on the file of District Munsif Court, Paramathi.



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For Petitioner

: Mr.M.Jayavardhan

ORDER

Challenging the impugned order passed in I.A.No.2 of 2023 in O.S.No.93 of 2015 passed by the learned District Munsif, Paramathi, the Revision Petitioner/third party preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. The Revision Petitioner is a third party to the suit in O.S.No. 93 of 2015 filed by her mother against other co-sharers for the relief of declaration and other consequential relief in the year of 2015. But, the learned counsel for Revision Petitioner would content that already her mother executed a settlement deed in respect of suit property in her favour on 16.11.1994 much earlier before filing of the suit. So, she is a necessary party to the suit proceedings. Hence, she filed an application to implead her, but the trial judge on hearing both sides dismissed the application stating that the plaintiff has not pleaded that she is a necessary party to the



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suit proceedings. If at all, any right granted with the mother of revision petitioner, that will apply to her also. Therefore, she is not necessary party to the proceedings. Aggrieved over the same, the Revision Petitioner preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that from the year of 1994 onwards, as per the settlement deed, the Revision Petitioner is enjoying the property, but suppressing all the real facts, her mother came forward with the present suit. But, the property in the settlement deed as well as suit property is one and the same. So, she is a necessary party to the proceedings. Hence, she prayed to set aside the findings of trial judge.

5. Records perused. On perusal of entire records, it reveals that the suit property in Survey No.127A/1P3R as well as the property in the settlement deed is one and the same. So, to avoid multiplicity of proceedings, the revision petitioner is a necessary party to the proceedings. Hence, the order passed by the trial judge is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings of the



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trial judge I.A.No.2 of 2023 in O.S.No.93 of 2015 is set aside and the said application is ordered to be allowed. Liberty is granted to the parties to file their reply statement if any before the trial court. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

19.12.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

The District Munsif, Paramathi.



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T.V.THAMILSELVI, J.

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