



C.R.P.No. 4880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4880 of 2023

and

C.M.P.No. 28854 of 2023

Raj Mohammed

.. Petitioner

Vs

1.Ajmunisha Begum
2.Samsath Begum
3.Adbul Samadhu
4.Ameena Ammal
5.Hasan Kuthoos
6.Noor Nisha

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.04.2023 passed by the learned Principal District Judge, Thiruvarur, I.A.No.1 of 2022 in I.A.No.116 of 2020 in O.S.No.44 of 2015.

For Petitioner : Mr. S. Senthil



C.R.P.No. 4880 of 2023

ORDER

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This Civil Revision Petition is filed challenging the order passed in I.A.No.1 of 2022 in I.A.No.116 of 2020 in O.S.No.44 of 2015, the third defendant has preferred this revision.

2. Before the trial Court, the third defendant / petitioner herein filed application seeking permission to purchase the shares of the other sharers. That application was dismissed by the trial Judge stating that the petitioner not proved that the suit property (1st item) cannot be conveniently divided and distribution of sale proceeds will be more beneficial for all the share holders, therefore, permission cannot be given in respect of item No.1. Aggrieved by the said finding, the third defendant has preferred this revision.

3. Admittedly, under the co-sharers, such permission can be available as per the manner known to law. Therefore, the finding of the trial Judge in I.A.No.1 of 2022 in I.A.No.116 of 2020 in O.S.No.44 of 2015 is set aside and the Advocate Commissioner in the final decree petition in



C.R.P.No. 4880 of 2023

I.A.No.116 of 2020 is also directed to value the property of the item No.1 and if at all it can be divisible, the trial Judge is directed to consider the request made by the revision petitioner who is having pre-emptive right. Thereafter, proceed with the final decree proceeding.

4. In the result, the Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

21.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The Principal District Judge, Thiruvarur.



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C.R.P.No. 4880 of 2023

T.V.THAMILSELVI, J.

AT

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