



*C.R.P(MD)No.296 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2023**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P(MD)No.296 of 2023**

**and**

**C.M.P(MD)No.1432 of 2023**

1.D.Thangaraj Pandian

2.M.Dharmalingam

... Petitioners/  
Proposed Defendants/  
Third Parties

Vs.

1.V.Chandrakumar

... 1<sup>st</sup> Respondent/  
Petitioner/Plaintiff

2.Vijayarani

... 2<sup>nd</sup> Respondent/  
1<sup>st</sup> Respondent/Defendant

**PRAYER** : Civil Revision Petition is filed under Article 227 of Constitution of India, to strike of the I.A.No.1952 of 2022 in O.S. No.14 of 2018 on the file of the Family Court, Madurai and the entire suit proceedings before the Court below are without jurisdiction and allow the above Civil Revision Petition.

For Petitioners : Mr.B.Prahalad Ravi



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**ORDER**

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The present revision petition has been filed to strike of an interlocutory application filed by the plaintiff to implead the present revision petitioners in a suit for declaration and injunction.

2. Admittedly, the revision petitioners have purchased the property from the defendant who is the wife of the plaintiff, pending suit. The plaintiff seeks to implead the power agent of the defendant and the purchaser as the proposed parties in the suit and he had filed I.A.No.1952 of 2022 to implead the proposed parties. Without filing a counter in the said application, the present revision petition has been filed to strike of the said interlocutory application.

3. It is seen from the records that due to matrimonial dispute, the civil suit has been filed before the Family Court. The revision petitioners herein are third parties and they have nothing to do with the family dispute between the plaintiff and the defendant. The revision petitioners apprehend that being Family Court, they would be insisted to appear in



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person on each occasions. Further, the revision petitioners being purchasers from the defendant pending suit, they are necessary parties to protect their rights.

4. Therefore, this Court does not find any ground to strike off the interlocutory application. However, this Court makes it clear that the proposed parties, namely the revision petitioners can very well appear through their counsels and the Family Court shall not insist the revision petitioners to appear in person either in the interlocutory proceedings or in the main suit.

5. With the above said observation, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**08.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To

- 1.The Family Court,  
Madurai.
- 2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR ,J.**

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Order made in  
C.R.P(MD)No.296 of 2023

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