



C.R.P.(MD)No.1384 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1384 of 2023

and

C.M.P.(MD)No.6872 of 2023

G.Pushpavanam

.. Petitioner

Versus

1.Velammal, W/o.I.Mani
2.Bhuvaneswari, W/o.Murugesan
3.G.Poovukkiniyan
4.G.Murugesan
5.G.Baskaran

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.03.2023, passed in I.A.No.108 of 2022 in O.S.No. 108 of 2020, on the file of the District Munsif Court, Madurai Taluk at Madurai, by allowing this Revision Petition with costs.

For Petitioner

:

Mr.S.Selvakumar

ORDER

The petitioner is the plaintiff in O.S.No.108 of 2020 before the District Munsif Court, Madurai Taluk at Madurai. The above suit has been filed by the petitioner against the respondents 3 to 5 to partition the suit schedule property. In the said suit, the respondents 1 and 2 have filed I.A.No.108 of 2022 under Order I Rule 10 read



with Section 151 of C.P.C. to implead themselves as defendants 4 and 5. By the impugned order dated 10.03.2023, the learned District Munsif, Madurai Taluk at Madurai, has allowed the said application.

2. Aggrieved by the same, the present Civil Revision Petition has been filed by the petitioner questioning the same stating that the respondents 1 and 2, who have been impleaded pursuant to the impugned order, are neither necessary nor proper parties to the said suit.

3. It is submitted that the property in question belongs to the maternal grandfather of the petitioner/plaintiff and the respondents 3 to 5/defendants. It is submitted that the property in question was divided and partitioned through a Partition Deed, registered as Document No.629 of 1971. The property was enjoyed by the petitioner's mother during her life time and thereafter, it was standing in the name of the male legal descendants of the maternal grandfather.

4. It is further submitted that a parallel suit in O.S.No.365 of 2021 is also pending in respect of other properties for partition, wherein the respondents 1 and 2 have impleaded as defendants. It is therefore submitted that the learned District Munsif, Madurai Taluk at Madurai, has committed a grave error in allowing the application filed by the respondents 1 and 2.



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5.I have considered the arguments advanced by the learned counsel for the petitioner and perused the impugned order.

6.Although the impugned order is cryptic and has not discussed the reasons for allowing the respondents 1 and 2 to be impleaded as defendants 4 and 5 in the above suit, whether the respondents 1 and 2 are entitled to a share in the property or not has to be decided after the trial and after the suit in O.S.No.365 of 2021 filed by the petitioner against the respondents is decided. There is no merit in the challenge to the impugned order dated 10.03.2023 passed in I.A.No.108 of 2022 in O.S.No.108 of 2020, by the learned District Munsif, Madurai Taluk at Madurai. Therefore, the present Civil Revision Petition is liable to be dismissed. It is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2/NS

16.06.2023

To

The District Munsif,
Madurai Taluk at Madurai.



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C.SARAVANAN, J.

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Order made in
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