



C.R.P.(MD)No.2481 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2481 of 2023

and

C.M.P.(MD)No.12919 of 2023

Gomathi

... Petitioner/
Petitioner/
3rd Party

Vs.

1. Balusamy

... Respondent/
Respondent/
Petitioner/
Plaintiff

2. D.Kesaan

... Respondent/
Respondent/
Respondent/
Defendant

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to I.A.No.1 of 2021 in I.A.No.1 of 2020 in O.S.No.806 of 2020 pending on the file of the learned Additional Subordinate Judge, Karur and to set aside the order passed therein.



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For Petitioner

: Mr.C.M.Arumugam

ORDER

The Civil Revision is directed against the order passed in I.A.No.1 of 2021 in I.A.No.1 of 2020 in O.S.No.806 of 2020 dated 08.07.2022 on the file of the Additional Subordinate Court, Karur, dismissing the impleadment petition.

2. Admittedly, the first respondent has filed a suit in O.S.No.806 of 2020 for recovery of money against the second respondent and he has also filed an application in I.A.No.1 of 2020 seeking attachment before judgment. During the pendency of the above petition, the present revision petitioner, who is the third party, has filed an application in I.A.No.1 of 2021 to implead her as a party in I.A.No.1 of 2020.

3. The main contention of the revision petitioner is that the revision petitioner as well as her brother-second respondent have purchased the suit properties and she is entitled to half of the suit properties.



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4. In the affidavit filed in support of the impleading petition, the revision petitioner has stated that herself and her brother have entered into an agreement on 20.11.2020 and on that basis, a suit for specific performance came to be filed in O.S.No.154 of 2021 and an *ex parte* decree was passed on 07.01.2023.

5. The learned trial Judge has specifically observed that the alleged agreement was entered into between the revision petitioner and the second respondent after the filing of the present suit.

6. Moreover, the properties sought to be attached before judgment are undivided half share of the suit properties.

7. Though the revision petitioner has alleged collusion between the respondents, a cursory perusal of the records would *prima facie* disclose that the revision petitioner in collusion with her brother-second respondent has filed the above application to implead her as a party. Considering the above facts and circumstances, the impugned order dismissing the petition in I.A.No.1 of 2021 in I.A.No.1 of 2020 in O.S.No.806 of 2020 passed by



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the learned Additional Subordinate Judge, Karur, cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

8. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

03.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Additional Subordinate Court,
Karur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2481 of 2023
and
C.M.P.(MD)No.12919 of 2023

Dated : 03.10.2023