



C.R.P.(MD)No.2634 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2634 of 2023

and

C.M.P.(MD)No.13747 of 2023

P.Senthilkumar

... Petitioner

Vs.

1. S.Sakthivel

2. P.Santha

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and ex-order dated 03.07.2023 made in I.A.No.1 of 2022 in O.S.No.61 of 2019 on the file of the Sub Court, Theni and to allow the same.

For Petitioner

: M/s.K.Hemakarthiskeyan

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2022 in O.S.No.61 of 2019 dated 03.07.2023 on the file of the



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Subordinate Court, Theni, dismissing the petition filed for impleadment under Order 1 Rule 10(2) C.P.C.

2. The revision petitioner is none other than the son of the second respondent/defendant.

3. The first respondent/plaintiff has filed a suit in O.S.No.61 of 2019 against the second respondent/defendant claiming specific performance of the agreement alleged to have been executed by the second respondent/defendant. The revision petitioner, by alleging that the property was purchased by him from his money in the name of his mother and that subsequently, his mother has executed a family arrangement agreement, wherein, the property was given to him, filed a petition in I.A.No.1 of 2022 for impleading him as second defendant in the above suit.

4. As already pointed out, the first respondent/plaintiff has filed the above suit only for specific performance. Moreover, the sale deed stands in the name of the second respondent/defendant.



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5. The trial Court, by observing that the revision petitioner has no *locus standi* to intervene in the above proceedings, has rightly dismissed the petition.

6. Considering the above facts and circumstances, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

7. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

18.10.2023

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

To

1. The Sub Court,
Theni.
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.2634 of 2023
and
C.M.P.(MD)No.13747 of 2023

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