



C.R.P.(MD)No.2636 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2636 of 2023
and
C.M.P.(MD)No.13750 of 2023

1.A.K.Buhari

2.A.Sulthan Badhusha

: Petitioners/Petitioners
Defendants 2 & 3

Vs.

1.Lakshmi

2.Saranya

3.Minor.Varun

4.Minor.Madhavan

5.Murugan

6.Sudalai

7.Velu

8.Kali

9.Sudari

: Respondents 1 to 9/Respondents 1 to 9
Plaintiffs

10.Azhwar

11.Aycourt Raja



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12.Noor Mohamed

13.Barakath Nisha : Respondents 10 to 13 /Respondents 10 to 13
Defendants 1, 4 to 6

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 21.08.2023 passed in I.A.No.6 of 2023 in O.S.No.165 of 2019 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.V.Meenakshi Sundaram

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.6 of 2023 in O.S.No.165 of 2019, dated 21.08.2023 on the file of the Principal Sub Court, Tirunelveli, dismissing the petition for receiving additional written statement.

2. Heard the learned counsel for the petitioners and also perused the records.

3. As rightly observed by the learned trial Judge, in the additional written statement, the petitioner has raised the alienation made during the



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pendency of the suit as additional defence. Except the above, the petitioners have not raised any other new plea.

4. The trial Court has rightly, by observing that during the pendency of the suit, the defendants 2 and 3 have alienated the portion of the suit property to the defendants 4 to 6 and on that basis, they were made as parties to the suit and that subsequently, after filing of the written statement, the petitioners/defendants 2 and 3 were alleging that they have sold the portion of the suit property to three persons Samadhani, Sahul Hameed, Seyad Mydeen Ayubkhan and by holding that the sales are subject to the doctrine of *lis pendens*, dismissed the petition.

5. On considering the entire facts and circumstances of the case and also taking note of the alienations allegedly made during the pendency of the suit, the impugned order of the trial Court, dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.



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6. In the result, the Civil Revision Petition is dismissed. The petitioner is at liberty to canvass the subsequent alienations in the evidence to be adduced before the concerned Court. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Principal Sub Court, Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2636 of 2023
and
C.M.P.(MD)No.13750 of 2023

Dated : 12.10.2023