



C.R.P(MD).No.610 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.610 of 2023

and

CMP(MD)No.2794 of 2023

1.Manithai
2.Selvarani
3.Asothi

... Petitioners/Defendants

Vs.

Gnana Sekar

... Respondent/Plaintiff

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to call for the records and strike off plaint in the proceeding in O.S.No.543 of 2022 on the file of Sub Court, Tenkasi, Tenkasi District.

For petitioner : Mr.J.David Ganesan

ORDER

This Civil Revision Petition has been filed by the petitioner seeking to quashing of proceedings in O.S.No.543 of 2022 on the file of Sub Court, Tenkasi, Tenkasi District.

2.The first petitioner is the wife of one Mr.Ramaiahthevar. Petitioner No. 2 & 3 are the daughters of said Mr.Ramaiahthevar. The respondent is also the son of the said Mr.Ramaiahthevar.



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3.It appears that the first petitioner's husband and the respondent's father Mr.Ramaiahthevar had executed a sale deed in favour of the respondent herein on 29.10.2015, which was registered in document No.2104 /2015 before the Sub Registrar, Meleneelithanallur. The sale deed pertains to 4 acres 72 cents along with a 5 HP Motor & a Well.

4.It is the specific case of the petitioners that the plaint in O.S.No.543 of 2022 on the file of the Principal Sub Court, Tenkasi, is liable to be rejected by exercising the inherent power given under Article 227 of Constitution of India in as much as the first petitioner's husband/and other petitioner/ respondent's father/Mr.Ramaiahthevar had earlier filed a Writ Petition in WP(MD)No.13286 of 2022. It is submitted that an order came to be passed on 27.06.2022, pursuant which the Revenue Divisional Officer, Tenkasi, in his proceedings dated 24.08.2022, Na.Ka.A2.771/2022 has ordered the cancellation of Sale Deed executed in favour of the respondent. By suppressing the above fact, the suit has been filed before the Sub Court, Tenkasi, Tenkasi District, by the respondent/plaintiff.

5.It is submitted that the suit is barred on account of the order passed by the Revenue Divisional Officer, Tenkasi, in his proceedings dated



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24.08.2022 bearing Na.Ka.A2.771/2022. That apart, it is submitted that the suit is also liable to be dismissed for non-jointer of necessary party namely, Mr.Ramaiahthevar, the husband of the first petitioner/father of the petitioners 2 & 3 and the respondent herein.

6.Though the attempts of the respondent appears to be scuttle the order dated 24.08.2022 of the Revenue Divisional Officer, Tenkasi, in his proceedings, bearing Na.Ka.A2.771/2022 passed against the respondent herein, rejection of the plaint cannot be ordered straightaway. At the same time, liberty is given to the respondent to implead the father namely, Mr.Ramaiahthevar in the said proceedings, who is the father of the petitioners 2 & 3 & the respondent herein and the husband of the first petitioner to press for relief under Order VII Rule 11 of CPC and to work out their remedy in the manner known to law.

7.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.03.2023

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



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C.SARAVANAN,J.

dss

To

- 1.The Sub Judge, Tenkasi,
Tenkasi District.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

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