



CRP(PD)(MD)No.6 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.6 of 2023

and

CMP(MD)No.59 of 2023

J.Thilakar

... Petitioner

versus

1. K.Kalavathi
2. K.Kamesh Arun
3. K.Kamini Anand
4. A.Kanagaraj
5. G.Kalavathi
6. A.Kamaraj
7. A.Karunamoorthi
8. J.Kalaiarasi
9. Chandra
10. Selvakani

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 24.08.2022 passed in I.A.No.2 of 2021 in O.S.No.148 of 2019 on the file of the learned Sub-Judge, Valliyoor.



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CRP(PD)(MD)No.6 of 2023

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.H.Arumugam

ORDER

This Civil Revision Petition is filed as against the order dated 24.08.2022 passed in I.A.No.2 of 2021 in O.S.No.148 of 2019 on the file of the learned Sub-Judge, Valliyoor.

2. The petitioner herein is the plaintiff in O.S.No.148 of 2019. He filed the above suit for declaration and permanent injunction as against the respondents 9 and 10. The respondents 1 to 8/proposed parties filed an application in I.A.No.2 of 2021 to implead themselves as defendants in the suit. The proposed parties also claimed title over the property and produced certain documents before the trial Court. The trial Court, after satisfying with the same, allowed the respondents 1 to 8 as proposed defendants in the suit, by order dated 24.08.2022. Aggrieved over the same, the present Civil Revision Petition is filed.



CRP(PD)(MD)No.6 of 2023

WEB COPY

3. A perusal of the impugned order would show that certain documents have been relied on by the proposed parties that they are the owners of the properties. The plaintiff claims right over the properties based on a Will. Further, the original defendants 1 and 2 remained *ex parte* before the trial Court. Moreover, the issue of ownership can be decided only after the trial. Therefore, the trial Court, in the interest of justice allowed the said application, which does not require any interference.

4. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.01.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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CRP(PD)(MD)No.6 of 2023

B.PUGALENDHI, J.

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To

1. The Sub Court,
Valliyoor.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

CRP(PD)(MD)No.6 of 2023

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