



C.R.P.(MD)No.2889 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2889 of 2023
and
C.M.P.(MD)No.15016 of 2023

1.K.Murugesan

2.K.Aasaithambi

3.K.Karthikeyan

: Petitioners/Petitioners/
proposed defendants 3 to 5

Vs.

1.K.Fathumuthubeevi

2.K.Kalaiaarasi

: Respondents/Respondents/
Plaintiff & 2nd Defendant

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.1 of 2023, dated 27.07.2023 in O.S.No.43 of 2022 on the file of the Sub Judge, Periyakulam.

For Petitioner : Mr.P.Sepana @ Sree



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ORDER

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The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2023 in O.S.No.43 of 2022, dated 27.07.2023 on the file of the Sub Judge, Periyakulam, dismissing the petition filed under Order 1 Rule 10 (2) C.P.C.

2.The first respondent/plaintiff has filed the suit for redemption against the defendants and during pendency of the above suit, the proposed parties claiming to be the children of the first defendant have filed the above application to implead them as defendants.

3. The learned trial Judge, considering the objections raised by the other side, has dismissed the application. In para 8 of the plaint, it has been specifically stated that the first defendant has already received her share of Rs.3,00,000/- from the plaintiff and executed a registered receipt and she had handed over the possession of the suit property. The plaintiffs have claimed the relief only against the second defendant, directing the second defendant to receive the balance amount of Rs.3,00,000/- and to return the original mortgage deed and promissory note and other



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agreements. The learned trial Judge by observing that the proposed parties have not produced any iota of evidence to show that the marriage between the first defendant and their mother was solemnized and that they are the children of the first defendant. Since the first defendant has already received the amount and the suit is filed claiming the relief only against the second defendant, the impugned order 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.

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

07.11.2023

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

To

- 1.The Sub Judge, Periyakulam.
- 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.2889 of 2023
and
C.M.P.(MD)No.15016 of 2023

Dated : 07.11.2023