



C.R.P(MD).No.279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.279 of 2023

and

C.M.P(MD).Nos.4731 and 1309 of 2023

Ramadoss

... Petitioner/3rd defendant

Vs.

1.Kalaiselvi

2.Minor Abinaya

3.Minor Thathish

4.Thiraviakani

5.Rajadurai

6.The Sub-Registrar,

Valliyoor Sub Registrar Office,

North Valliyoor Village,

Radhapuram Taluk,

Tirunelveli District.

... Respondents/Plaintiffs

7.The State of Tamil Nadu,

Rep., by the District Collector,

Collectorate, Kokkarakulam,

Tirunelveli District.

... Respondents/Defendants 1,2,4 and 5

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to strike down the plaint in O.S.No.166/2022 on the file of the Subordinate Court, Valliyoor, Tirunelveli District as far as the petitioner is concerned.

For petitioner : Mr.C.T.Perumal

For R1 to R3 : Mr.D.Vijayakumar

For R4 : No appearance

For R6 & R7 : Mr.M.Praksh

Additional Government Pleader



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ORDER

The petitioner has been arrayed as the third defendant in O.S.No.166 of 2022 on the file of the Subordinate Court, Valliyoor, Tirunelveli District. The respondents 1 to 3 herein have filed a suit for partition of the suit schedule property primarily against the first and second defendants, who are none-other than the mother-in-law of the first plaintiff and paternal uncle of the of the second and third plaintiffs. The petitioner has secured an interim order from this Court on 07.02.2023. Taking advantage of the same, the first and second defendants/respondents 4 & 5 herein, have executed a sale deed in favour of the petitioner herein, who is the third defendant in the above suit. Clearly, the alacrity interest shown in getting the sale deed registered during pendency of the partition suit was unwarranted. In any of the event, the present civil revision petition to strike off the name of the petitioner from array of the defendant in O.S.No.166 of 2022 was misadventure. The present Civil Revision Petition is therefore liable to be dismissed with liberty to the respondents 1 to 3 herein to take suitable steps to annul the sale deed executed by the first and second defendants in favour of the petitioner herein. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.04.2023

NCC : Yes/No

Index : Yes/No

Rmk



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To
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- 1.The Subordinate Judge, Valliyoor, Tirunelveli District.
- 2.The Sub-Registrar,
Valliyoor Sub Registrar Office,
North Valliyoor Village,
Radhapuram Taluk,
Tirunelveli District.
- 3.The District Collector,
Collectorate, Kokkarakulam,
Tirunelveli District.
- 4.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

Rmk

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