



C.R.P.(MD).No.2641 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.2641 of 2022

and

C.M.P(MD).No.12899 of 2022

T.K.Sridevi

... Petitioner

-VS-

1.T.G.Padma

2.T.K.Ramesh

... Respondents

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 16.08.2022 in I.A.No.514 of 2021 in O.S.No.295 of 2012 on the file of the Principal District Munsif Court, Madurai Town.

For Petitioner : Mr.K.Sudalaiyandi

ORDER

The present revision petition has been filed challenging an order refusing to implead the revision petitioner who is a third party in a suit for permanent injunction.



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2. One T.G. Padma had filed O.S.No.295 of 2012 on file of the District Munsif Court, Madurai Town for the relief of permanent injunction as against her husband's brother T.K. Ramesh Babu. In the said suit, the plaintiff had claimed that the property originally belonged to one T.B. Krishnamachari and after his death, it devolved upon his two sons namely T.B.K. Ganesh Babu and T.K. Ramesh Babu. The entire property devolved upon Krishnamachari and he had executed a Will in favour of the plaintiff who is the daughter-in-law of the said Krishnamachari. Based upon the said Will, she prayed for permanent injunction as against her husband's brother.

3. While the suit was pending, one T.K. Sridevi who is the granddaughter of the other co-sharer namely Krishnamani had filed I.A.No.336 of 2015 along with other co-sharers to impleade herself in the said suit. The said application was dismissed on the ground that it is a permanent injunction suit and she cannot ventilate her grievances in the present suit. Thereafter the present I.A.No.514 of 2021 has been filed by the revision petitioner to implead herself in the suit on the ground that any finding with regard to the sale deed dated 05.03.2000 said to have been executed by Krishnamachari would affect her rights over the suit schedule



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property. However, the present application has also been dismissed on the ground that the previous application has been dismissed and she is not a necessary party to the present suit. Challenging the same, the present civil revision petition has been filed.

4.The learned counsel appearing for the petitioner had contended that any finding relating to the sale deed dated 05.03.2000 would affect her rights in the suit schedule properties. Unless she is impleaded as a party to the suit, her rights would be affected.

5.I have considered the submissions made on the side of the learned counsel appearing for the petitioner.

6.It is an admitted fact that the present suit is a bare injunction suit and it has been filed by the daughter-in-law of the Krishnamachari as against another son namely T.K.Ramesh Babu. The suit being a bare injunction suit, any decree passed in the suit will not affect the right of the proposed party namely the revision petitioner. That apart, any finding that is rendered with regard to validity of the sale deed dated 05.03.2000, will not affect the rights of the revision petitioner, if she is otherwise entitled to a share in the property.



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7. With the above observation, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The Principal District Munsif
Madurai Town

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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