



C.R.P(MD)No.292 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.292 of 2023

and

C.M.P(MD)No.1403 of 2023

K.Sarojini

... Petitioner/
Petitioner/7th Defendant

Vs.

1.G.Pethanasamy

2.G.Ramesh

3.G.Rengaraj

... Respondents/
Respondents/Plaintiffs

4.S.Rengasamy

5.R.Subburaj

6.R.Selvaraj

7.Venkatesan

8.Pethatchi @ Vijaya

9.Rajalakshmi

... Respondents/
Respondents 4 to 9/
Defendants 1 to 6

1/5



C.R.P(MD)No.292 of 2023

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records connected to the order in I.A.No.5 of 2022 in O.S.No.39 of 2021 dated 17-06-2022 passed by the Principal District Court, Theni and set aside the same as illegal.

For Petitioner : Mr.S.Malaikani

ORDER

The 7th defendant in a suit for partition is the revision petitioner.

2. The 7th defendant is said to have purchased 13th item of the property from one of the co-sharers. The plaintiff has prayed for declaring the said sale deed as null and void in the plaint. Pending suit, the 7th defendant had filed I.A.No.5 of 2022 to delete himself from the array of parties and also to delete the 13th item of the property.

3. According to the 7th defendant/revision petitioner, the plaintiff is not entitled to a share in 13th item of the property and hence, the 13th item of the property should be deleted and the 7th defendant would become an unnecessary party.

2/5



C.R.P(MD)No.292 of 2023

4. The issue whether the co-sharer was entitled to alienate the 13th item of the property in favour of the 7th defendant is the issue in the suit.

There is also a prayer to the said effect. In such view of the matter, the 7th defendant is a necessary party to the suit and the 13th item of the property has been purchased by him, the trial Court has rightly dismissed the said application.

5. In view of the above said facts, I do not find any illegality or infirmity in the order passed by the trial Court. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

08.02.2023

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

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To

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1. The Principal District Court,
Theni.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.292 of 2023

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