



C.R.P(MD)No.152 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.152 of 2023

and

C.M.P(MD)No.728 of 2023

Vimala

... Petitioner/Petitioner/
Proposed Party

Vs.

1.Umamaheswari

... Respondent/1st Respondent/
Plaintiff

2.Subramanian

3.Manikandan

4.Meenakumari

5.Chellachamy

6.The Sub Registrar,
Musiri Sub Registrar Office,
Musiri Taluk,
Trichirappalli District.

... Respondents/Respondents/
Defendants 1 to 5

1/5



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PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records of the Principal District Munsif Court, Musiri, Tiruchirappali District made in I.A.No.3 of 2022 in O.S.No.89 of 2015 and set aside the fair and decreetal order dated 09-11-2022.

For Petitioner : Mr.S.Saravanakumar

ORDER

The present revision petition has been filed by a third party to O.S.No.89 of 2015 in which she prayed to implead herself as the 6th defendant in the suit and the said application was dismissed.

2. According to the revision petitioner, she is the wife of the 4th defendant and the 4th defendant has executed a registered settlement deed in her favour on 24.01.2018 before Sub Registrar Office, Musiri in Doc.No.474 of 2018. In view of the said settlement deed, she is the owner of the property and hence, she is a necessary party to be impleaded in the suit.



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3. The learned trial Judge after going through the submissions on either side has arrived at a finding that, pending suit, the 4th defendant had settled the property in favour of his wife in the year 2018 and the proposed party being a *pendente lite* purchaser, is a not a necessary party to the suit.

4. After going through the affidavit filed by the revision petitioner/proposed party, I find that the 4th respondent had settled the property in favour of his wife only in the year 2018, pending suit. Therefore, I do not find any illegality or infirmity in the order passed by the trial Court in dismissing the impleading application. However, the learned counsel appearing for the petitioner submitted that the 4th defendant had filed I.A.No.4 of 2022 to file a written statement and for other reliefs. This order will not preclude the trial Court from considering the said application independently on merits and in accordance with law.



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5. With the above said observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.02.2023

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

- 1.The Principal District Munsif Court,
Musiri,
Tiruchirappali District.
- 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.152 of 2023

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