



C.R.P.(MD)No.2036 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2036 of 2024

and

C.M.P.(MD)No.11589 of 2024

R.Sumathi

... Petitioner / Petitioner / Plaintiff

Vs.

1.R.Krishnan @ Krishnamoorthy

2.K.Shashikumar

... Respondents 1 & 2 / Respondents 1 & 2 /
Defendants

3.N.Thippesamy

... 3rd Respondent / 3rd Respondent /
Proposed 3rd Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and ex-order dated 18.10.2023 made in I.A.No.6 of 2022 in O.S.No.93 of 2022 on the file of Sub Court, Melur and to allow the same.

For Petitioner : Mr.K.Hemakarthykeyan

For Respondents : Mr.B.Rajesh Saravanan for R1.
No appearance for R2 & R3

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ORDER

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Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

2.The plaintiff in O.S.No.93 of 2022 on the file of the Sub Court, Melur is the revision petitioner herein. The suit is for partition. She filed I.A.No.6 of 2022 to implead the third respondent herein. It is seen that even prior to the institution of the partition suit, the petition mentioned property which was not part of the original suit schedule was gifted in favour of the institution run by the third respondent herein. The Court below vide order dated 18.10.2023 dismissed the I.A. Challenging the same, this civil revision petition came to be filed.

3.Two aspects are obvious. The alienation had taken place even before the filing of the suit. Secondly, the suit on hand is one for partition. In these circumstances, by no stretch of imagination, can the third respondent herein be deemed to be a proper or necessary party. The petitioner may have to work out her rights in the manner known to law.



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4. With the aforesaid observation, this civil revision petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

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

To:

The Sub Court,
Melur.



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G.R.SWAMINATHAN, J.

ias

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