



C.R.P(MD)No.2460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2460 of 2024
and
C.M.P(MD)No.13806 of 2024

Mariselvi

... Petitioner /
1st Respondent /
Plaintiff

Vs.

1.R.Ramuthai

2.R.Kaleeswaran

... Respondents 1& 2 /
Petitioners /
Proposed Defendants 2 & 3

3.Ravikumar @ Bovas

... 3rd Respondent /
2nd Respondent /
Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.84 of 2018, on the file of Sub Court, Virudhunagar dated 22.04.2024.

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For Petitioner : Mr.M.Murugan

For Respondents : Mr.P.Mahendran for R.1

ORDER

The plaintiff in O.S.No.84 of 2018 on the file of Sub Court, Virudhunagar is the revision petitioner herein. She filed the said suit for declaration and recovery of possession from her brother Ravikumar. The plaintiff's side evidence is already over. It appears that Ravikumar is not interested in contesting the suit. He has gone abroad.

2.At this stage, the petitioner's mother and another brother filed I.A.No.3 of 2023 for impleading themselves. They claim that they are in possession of the suit property. They also add that the property is a family property and that the plaintiff could not have obtained gift deed from the father alone.

3.The Court below took the view that the respondents 1 and 2 herein are necessary and proper parties. In that view of the matter, IA filed by them was allowed on 22.04.2024. The said order is put to challenge in this revision petition.



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4.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of Civil Revision Petition.

5.I am not swayed by the said submission. The respondents 1 and 2 are proper and necessary parties. In any event, it is in the interest of the revision petitioner that they are also added as parties.

6.The respondents 1 and 2 are directed to file their written statement in the next hearing date itself. The suit itself shall be disposed of on merits and in accordance with law within a period of six months from the next hearing date.

7.This Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The Sub Court,
Virudhunagar.

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