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CRP.No.336 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.336 of 2024 and
CMP.No.1565 of 2024

J.Sandhiya

... Petitioner

Vs.

1.Tmt.Suguna

2. Mr.Maruthachalam

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the fair and final order dated 06.11.2023 made in IA No.4/2023 in OS No.484/2018 on the file of the Learned 1st Additional District and Sessions Judge, Tirupur.

For Petitioner

: Mr.N.Manoj Kumar

For Respondent

: Mr. S.Vimal for R1

M/s.C.B Geeth Sanchitha forR2

forM/s.M.Guruprasad



ORDER

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The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking her impleadment as party defendant in a suit for declaration and injunction filed by the first respondent against the second respondent.

2. The first respondent is the mother of the petitioner. She filed a suit for cancellation of the sale deed dated 28-11-2017 in favour of the second respondent and for permanent injunction restraining the second respondent from interfering with her alleged possession over the suit property. As per the description found in the plaint, the survey number of the suit property is 674/3 (subdivided as 674/12 and 674/13).

3. The petitioner herein, claiming herself as the owner of the property on the northern side of the plaintiff's property, filed instant application for her impleadment on the ground that she owns 68 Sq.meters of land in Survey No.674/14. In order to support her claim over the suit property, she relied HSD patta issued in her name dated 27.12.2016. It is also stated that a construction was built in her property along with the property of her mother and therefore,



she is a necessary party to the litigation. The trial court dismissed the same holding that the petitioner was not a proper party to the suit and aggrieved by the same, the present revision is filed.

4. The learned counsel for the petitioner vehemently contended that the building in the petitioner's property was constructed jointly with petitioner's mother and hence, the presence of the petitioner is very much necessary for the adjudication. The suit is filed for cancellation of the sale deed allegedly executed by first respondent in favour of the second respondent. The first respondent also sought for a personal relief of permanent injunction against the second respondent. The petitioner is not a party to the sale deed challenged in the suit. The petitioner claims right over the land in subdivision number 674/14 and the same is not the subject matter of the litigation. Even according to the affidavit filed by the petitioner, she only owns property on immediate north of 1st respondent's property.

5. Having regard to the nature of the relief sought for in this suit, this Court feels that the presence of petitioner is not at all necessary and any decree passed in that suit will no way affect the right of the petitioner if any, over her property. In such circumstances, I do not find any material irregularity or



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illegality in the order passed by the court below. Accordingly, the Civil Revision Petition stands dismissed.

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6. The dismissal of the Civil Revision Petition will not come in the way of the petitioner working out her remedy in the manner known to law, in a separate proceedings, if so advised. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

The 1st Additional District and Sessions Court, Tirupur.



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S.SOUNTHAR, J.

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