



CRP.No.279 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.02.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.No.279 of 2025
and CMP.No.1839 of 2025

1.M.Thulasi
2.M.Prakash

... Petitioners / Petitioners / Plaintiffs

Vs

N.Murugesan (Died)
1.M.Dhanalakshmi @ Lakshmi
2.M.Gomathy
3.M.Valarmathy
4.M.Meghala

5.Government Medical College Hospital
Adukkambarai, Vellore
Represented by its Dean,
Hospital situated at Adukkamabarai, Vellore.

.... Respondents 1 to 5 / Defendants 2 to 6

6.A.Ashwak
7.A.Shabinabi
8.S.Sumitha

9.The Sub Registrar
Sub Registrar Office
Velapadi, Vellore – 1.

10.The Manager
Manapuram Finance Home Loan Branch
Having office at



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No.208, I Floor, K.N.Plaza
8th East Main Road
Near Periyar Statue
Gandhi Nagar East
Vellore – 6.

.... Respondents 6 to 10 /
Proposed defendants 7 – 11

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order dated 22.08.2024 passed in I.A.No.37/2022 in F.C.O.S.No.7/2016 on the file of Family Court, Vellore.

For Petitioners : Ms.V.Anusha

For Respondents : Mr.N.Muthuvel
Government Advocate for R9

ORDER

The plaintiffs are the revision petitioners herein. This revision petition was filed seeking to challenge the order dated 22.08.2024 passed in I.A.No.37/2022 in F.C.O.S.No.7/2016 on the file of Family Court, Vellore.

2.The suit in FCOS.No.7/2016 was originally filed by the plaintiffs/revision petitioners against the defendants 1 to 6 seeking declaratory relief that the first plaintiff is the legally wedded wife and also for permanent injunction restraining the defendants 1 to 5 not to create any encumbrance over 'A & 'B' schedule property and certain other reliefs.



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3. It is averred in the plaint that the first plaintiff is the wedded wife of the first defendant and the second plaintiff is their son. The second defendant is the second wife of the first defendant and defendants 3 to 4 are the children born to first defendant and second defendant. It is stated that the first defendant owned a property mentioned in schedule A & B of the suit.

4. Pending the suit, the plaintiffs have taken out an application in I.A.No.37 of 2022, to implead the proposed respondents 7 to 11 therein as defendants. According to the revision petitioners, the ground for impleadment is that during the pendency of the suit filed by them, the first defendant had fraudulently sold the suit schedule property to defendants 8 and 9, and this came to the knowledge of the revision petitioners only on 17.11.2022. Therefore, the said application was filed to implead the subsequent purchasers, jurisdictional Sub-Registrar and Finance Company, the respondents 7 to 11. The trial Court however dismissed the said application. Hence, the revision petition.

5. Heard Ms.V.Anusha, learned counsel for the revision petitioners.



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6. The suit is one for bare injunction and there is no relief sought as against the proposed respondents. The affidavit filed in support of the revision petition would not give any reasons for the impleadment except stating that the respondents 1 to 5 have executed a sale deed in favour of defendants 7 to 9, pending the suit. These respondents 7 to 9 are *pendente lite* purchasers who are bound by whatever orders that would be passed in the suit. The learned Judge while dismissing the said application, has taken into account the nature of the relief claimed in the suit, which is only for an injunction and no declaratory relief was sought as against the title of the first defendant, who was dead at the time of filing the said interlocutory application, and that no court fee was paid for the said declaratory relief. It is in these circumstances, the learned Judge had held that impleading the Sub Registrar, Manager of the Finance Company and other individuals who are the *pendente lite* purchasers would have no bearing on the suit in question. Accordingly, the application in I.A.No.37 of 2022 in FCOS.No.7/2016 has been rightly rejected by the Court below.

7. Therefore, in this circumstances, I do not see any reason to interfere with the order passed by the trial Court, which is now impugned.



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Accordingly, the civil revision petition is dismissed. No costs.

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Consequently, connected miscellaneous petition is closed.

06.02.2025

To:

- 1.The Judge
Family Court
Vellore.
- 2.The Section Officer
VR Section
High Court, Madras.



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P.T.ASHA,J.,

ds

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