



CRP NO. 3950 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP NO. 3950 of 2023

and C.M.P.No.24302 of 2023

RANIMUTHU

Petitioner(s)

Vs

1. M.Sridhar

2. G.K.Ruthirakumar

Respondents

PRAYER: Civil Revision Petition filed under 227 Constitution of India, praying to set aside the order and decree dated 20.06.2023 passed in I.A.No.137 of 2019 in O.S.No.296 of 2019 on the file of the Subordinate Judge, Udumalpet.

For Petitioner(s):

M/s. Elizabeth Ravi

For Respondent(s):

Mr. S.Prasath, For R1

ORDER

The present revision petition is filed challenging the order passed in I.A.No.137 of 2019 in O.S.No.296 of 2019 by the learned Subordinate Judge, Udumalpet dated 20.06.2023.

2. The revision petitioner/ Ranimuthu who is the 3rd party in the suit. Originally, the



suit was filed by the plaintiff Sridhar who has instituted the suit, in which

G.K.Ruthirakumar was arrived as a defendant. The petitioner had executed a sale deed

in favour of her daughter for the purpose of availing educational loan etc., The revision

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petitioner contends that the sale deed dated 27.11.2008 was executed prior to institution

of the suit in OS.No.408 of 2021 by the petitioner for declaring the sale deed dated

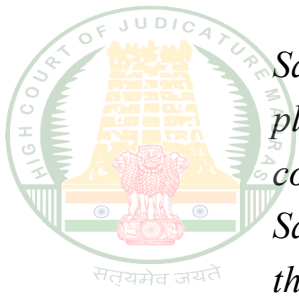
02.11.2008 in Doc.No.8764/2008. However, due to efflux of time, the revision

petitioner's daughter had executed a power of attorney in favour of Sridhar.

3. The contention of the revision petitioner is that since she is a aggrieved person, she ought to have made as a party in the suit in O.S.No.296 of 2019. The Trial Court had dismissed the said application on the ground that there was no reference to the sale deed executed by the revision petitioner in faovur of Kanchana and the sale deed was never reflected in the plaint.

4. Learned counsel for the revision petitioner would contend that in the suit instituted by Sridhar who is the plaintiff in O.S.No.269 of 2019 where G.K.Ruthirakumar who has been arrived as a defendant wherein, the plaintiff had clearly narrated the facts which is extracted herein:

“ 3.The plaintiff further states that the period of Eleven months has been fixed in the sale Agreement dated 22.11.2016 since there are tenants in the suit property and he has to vacate them. But even after the lapse of two years till date the defendant is buying time to vacate the tenants and execute a



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Sale Deed in his favour. From the date of Sale Agreement, the plaintiff was always ready and willing to pay the balance sale consideration of Rs.1,00,000/- to the defendant and get the Sale Deed executed in his favour. Subsequently, on 16.10.2017 the balance amount of Rs.1,00,000/- also paid by the plaintiff to the defendant by way of a cheque bearing No.255988 drawn on Corporation Bank, Kinathukadavu Branch issued in his favour. But, even after the receipt of the entire sale consideration, under some pretext or other the defendant is postponing the execution of the Sale Deed till date. The plaintiff is always ready to get the Sale Deed executed in his favour even in spite of tenants in the suit property.”

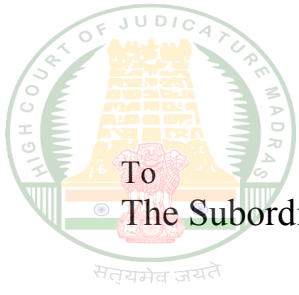
5. It is clear on reading the plaint averments, the revision petitioner is a necessary party who ought to have been implemented in the suit for proper adjudication. In the interest of justice, the plea of the revision petitioner has to be acceded, for the purpose of effective adjudication. Hence, the order passed by the Trial Court is liable to be set aside.

6. Accordingly, the Civil Revision Petition is allowed by setting aside the order dated 20.06.2023 passed in I.A.No.137 of 2019 in O.S.No.296 of 2019 by the learned Subordinate Judge, Udumalpet. No costs. Consequently, connected miscellaneous petition is closed.

14-02-2025

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Index: Yes/No
Internet: Yes/No
Speaking order: Non-speaking order



To
The Subordinate Judge, Udumalpet.

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N.SENTHILKUMAR,J.

msv

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