

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1428 of 2015

V.Shanmugam

... Petitioner

v.

1.S.M.Sundaram

2.D.V.Balaji

3.R.Vinayagam

4.V.santhi

5.V.IOnbarasu

6.V.Amarnath

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 23.12.2014 made in I.A.No.95 of 2012 in O.S.No.5 of 2011 on the file of the Principal District Judge at Vellore.

For Petitioner : Mr.R.Margabandhu

O R D E R

Challenging the fair and final order passed in I.A.No.95 of 2012 in O.S.No.5 of 2011 on the file of Principal District Munsif Court, Vellore, the proposed 5th defendant has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No. 5 of 2011 for specific performance. The suit was contested by the defendants. Thereafter, the plaintiffs filed an application in I.A.No.95 of 2012 under Order I Rule 10 (2) of C.P.C. to implead the purchaser, viz., the revision petitioner as 5th defendant in the suit.

3. It is the case of the plaintiffs that the revision petitioner purchased the property from the respondents 3 and 4 and therefore, the revision petitioner is a proper and necessary party for proper adjudication of the suit. The respondents 5 and 6 are the sons of respondents 3 and 4.

4. The learned counsel appearing for the revision petitioner submitted that the revision petitioner had purchased the property from the sons of the respondents 3 and 4 under a registered sale deed.

5. The trial court, after taking into consideration the case of both the parties, allowed the application impleading the sons of the respondents 3 and 4 and also the revision petitioner as defendants 3 to 5 in the suit.

6. In these circumstances, I do not find any error or irregularity in the order passed by the trial court. The Civil Revision Petition is liable to be dismissed. However, liberty is given to the revision petitioner to file his written statement before the trial court within a period of two weeks from the date of receipt of a copy of the order. The learned counsel for the revision petitioner submitted that suit is posted for trial. Hence, the trial court is directed to dispose of the suit in O.S.No.5 of 2011 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of the order.

With these observations, the Civil Revision Petition is dismissed. No costs.

06.04.2015

Index : No
Internet : Yes

Rj

To

The Principal District Judge,
Vellore..

M. DURAISWAMY,J.,

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