

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

CRP (PD) No.1531 of 2015
and M.P.No.1 of 2015

1. Selva Arasu
2. Vetrivel

.. Petitioners

versus

1. T.Prema
2. K.Krishnan
3. The Sub Registrar
Kadathur,
Pappireddipatti Taluk
Dharmapuri District.

..Respondents

Petition filed under Article 227 of the Constitution of India to direct the Sub Court, Harur to dispose of the I.A.No.234 of 2014 in O.S.No.35 of 2012 within a stipulated time.

For Petitioners : Mr.M.Selvam

ORDER

The proposed defendants, who have filed an application in I.A.No.234 of 2014 in O.S.No.35 of 2012 on the file of the Sub Court, Harur under Order I Rule 10 of Code of Civil Procedure to implead themselves as defendants 3 and 4 in O.S.No.35 of 2012, which was filed by the 1st respondent/plaintiff for specific performance against the 2nd respondent/1st defendant, have filed the above Civil Revision Petition.

2. As per the plaint averment, the plaintiff and the 1st defendant entered into an agreement of sale on 05.01.2012 for the purchase of the suit property. The 1st defendant also filed his written statement and is contesting the suit. Subsequent to the filing of the suit for specific performance, the revision petitioners filed another suit in O.S.No.66 of 2013, on the file of the Additional District Court, Dharmapuri for partition as against their father/1st defendant in O.S.No.35 of 2012 on the file of the Sub Court, Harur.

3. According to the learned counsel for the petitioners, the suit for partition was decreed *ex parte* and a preliminary decree was passed. Thereafter, the petitioners filed an application in I.A.No.234 of 2014 in O.S.No.35 of 2012 under Order I Rule 10 of Code of Civil Procedure to implead themselves as defendants 3 and 4.

4. According to the plaintiff, the suit agreement dated 05.01.2012 was executed between herself and the 1st defendant K.Krishnan. The revision petitioners are not parties to the suit agreement. In spite of the same, they have filed an application in I.A.No.234 of 2014 in O.S.No.35 of 2012 to get themselves impleaded.

5. The learned counsel for the petitioners submitted that the trial Court had posted the suit for arguments on 10.04.2015, without disposing of the impleading application filed by the revision petitioners.

6. In these circumstances, the Sub Court, Harur, is directed to dispose of the application in I.A.No.234 of 2014 in O.S.No.35 of 2012, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order and thereafter dispose of the suit in O.S.No.35 of 2012, on merits and in accordance with law.

With this observation, this Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition is closed.

09.04.2015

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Note: Issue on 10.04.2015

To

The Sub Court, Harur

M.DURAISWAMY,J

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