

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2704 of 2015

and

M.P.No.1 of 2015

1. S.Darmalingam
2. P.Mohanasundari

... Petitioners

.. Vs ..

Nachammal (died)

1. Sadasivam
2. Nallasivam
3. Chitradevi
4. P.K.Sithapathi
5. Tamilarasi
6. Loganathan
7. Paramasivam
8. Nanthini
9. Poongodi
- 10.Poonselvakumar
- 11.Subbayammal
- 12.Mani @ Swaramoorthi
- 13.Ponniyavathi
- 14.G.Sakthivel

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Final order dated 28.04.2015 passed in I.A.No.41 of 2015 in O.S.No.291 of 2009 on the file of the Sub Judge, Perundurai, by allowing this Civil Revision Petition.

For Petitioners : Mr.P.Kannan Kumar

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ORDER

Challenging the fair and final order passed in I.A.No.41 of 2015 in O.S.No.291 of 2009 on the file of the Sub Judge, Perundurai, the plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.291 of 2009 for partition. The defendants filed their written statement and are contesting the suit. During the year 2011, a portion of the property was sold to the 14 th respondent and thereafter in the year 2015, the plaintiffs filed an application in I.A.No.41 of 2015 to implead the subsequent purchaser as a party in the suit. The application filed by the plaintiffs was contested by the defendants stating that the subsequent purchaser is not a necessary party.

3. The Trial Court, taking into consideration the case of both the parties, is right in dismissing the application. The subsequent purchaser, having purchased the property after institution of the suit, cannot claim any share in the property. The trial Court also while dismissing the application found that the subsequent purchaser will step into the shoes of the vendors at the time of final decree stage. In these circumstances, the trial Court has rightly dismissed the application finding that the subsequent purchaser is not a necessary party.

4. In view of the above, I do not find any reason to interfere with the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Connected Miscellaneous Petition is closed.

Index : No
Internet : Yes
Jrl

29.07.2015

M.DURAISWAMY,J.

Jrl

To

The Sub Judge,
Perundurai.

C.R.P.(PD)No.2704 of 2015

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