

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3138 of 2015

and

M.P.No.1 of 2015

1.Eswari
2.Vijayakumar

.. Petitioners/Petitioners/Proposed Parties

Vs.

1.Kannammal
Nagammal (Deceased)
2.Eswari
3.Arukkani

.. Respondents 1 to 3/Respondents 1,3
& 4 /Plaintiffs 1, 3 & 4

S.M.Venkatachalam (Deceased)

4.S.M.Nataraj

.. 4th Respondent/6th Respondent /2nd Defendant

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 17.04.2015 made in I.A.No.816 of 2014 in O.S.No.303 of 2012 on the file of the District Munsif Court, Avinashi.

For Petitioners

: Mr.S.Sankar

O R D E R

The revision petitioners herein filed an application in I.A.No.816 of 2014 in O.S.No.303 of 2012 on the file of the District Munsif Court, Avinashi to implead themselves in the suit. The said application was dismissed by the learned District Munsif on 17.04.2015 and the present Civil Revision Petition is preferred against the aforesaid order.

2. The suit in O.S.No.303 of 2012 is a partition suit, which was originally filed in the year 1998 and it was later renumbered as O.S.No.303 of 2012.

3. One Chinnakkal died in the year 1978. According to petitioners, the said Chinnakkal had 8 children. One among the children is Pappathi, who is the mother-in-law of the first revision petitioner. The second revision petitioner is the son of the first revision petitioner. They filed the application in I.A.No.816 of 2014 as legal heirs of the said Chinnakkal to implead themselves as parties in the partition suit.

4. But the Trial Court found that already the grand daughter and grand son of Chinnakkal, namely Amirthavalli and Saminathan had filed an application in I.A.No.256 of 2005 to get themselves impleaded as parties in the suit and the said application was dismissed by the Trial Court on 11.05.2005.

5. Against the aforesaid order made in I.A.No.256 of 2005, a Civil Revision Petition in CRP(PD).No.1140 of 2005 was preferred before this Court and this Court by an order dated 28.02.2011 had dismissed the Civil Revision Petition. Taking into account the aforesaid facts and circumstances, the Trial Court rejected the application preferred by the revision petitioners in I.A.No.816 of 2014.

6. In view of the fact that the earlier application in I.A.No.256 of 2005 filed by the LR's of Chinnakkal were dismissed by the Trial Court and the same was also upheld by this Court in CRP (PD).No.1140 of 2005, I am not inclined to interfere with the order passed by the Trial Court.

7. Hence, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To
The District Munsif Court, Avinashi.

+1 cc to M/s.S.Sankar, Advocate, sr.41525

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mp(co), kra(27/08)