

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3322 of 2015

and

M.P.No.1 of 2015

Sakthimurugan .. Petitioner/1st Respondent/Plaintiff

Vs.

1.A.Parakaladoss .. 1st Respondent/ Petitioner/3rd person
2.Munusamy .. 2nd Respondent/2nd Respondent/Defendent

(R-2 given up as he remained exparte)

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 12.06.2014 made in I.A.No.1113 of 2013 in O.S.No.239 of 2012 on the file of the Principal District Munsif Court, Ulundurpet.

For Petitioner : M/S.R.Meenal

For Respondent : Mr.S.Saravana Kumar, for R1

O R D E R

The revision petitioner has filed a suit in O.S.No.239 of 2012 on the file of the Principal District Munsif Court, Ulundurpet for specific performance based on sale agreement dated 19.07.2012 between the plaintiff and the defendant relating to the sale of property concerned in the suit. The defendant in the said suit was absent and he was set exparte and an exparte order was passed on 16.07.2013.

2. While so, the first respondent in this revision petition, who is the third party has filed an application in I.A.No.1113 of 2013 in O.S.No.239 of 2012 to implead himself as party to the suit in O.S.No.239 of 2012, since the first respondent had purchased the property from the defendant and his brothers on 20.06.2013 for sale consideration of Rs.2,87,000/- and he is in possession of the suit property. The Trial Court has allowed the application on 12.06.2014 and the present Civil Revision Petition is preferred against the aforesaid order.

3. When the matter came up for admission on 19.08.2015, notice of motion was ordered. Today, the learned counsel for the revision petitioner would submit that affidavit of service was also filed on 02.09.2015.

4. In my considered view, there is no infirmity in the order passed by the Trial Court in allowing the application in I.A.No.1113 of 2013 in O.S.No.239 of 2012. The reason is very obvious, as the defendant in the suit will show no interest since he has sold the property on 20.06.2013 and he chose to remain exparte on 16.07.2013. Hence, the present purchaser has to step into the shoes of the defendant and contest the case and the matter has to be decided on merits of the issues.

5. In view of the aforesaid facts and circumstances, the Civil Revision Petition fails and the same is dismissed. However, taking note of the fact that the suit is of the year 2012, a direction is issued to the Trial Court to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Connected miscellaneous petition is closed. No costs.

-sd/-

ASSISTANT REGISTRAR(CS-III)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

pgp

To

The Principal District Munsif ,
Ulundurpet

+1 CC to M/s.R.Meenal Advocate. SR.NO.51644
+1 CC to Mr.S.Saravana Kumar Advocate. SR.NO. 51578

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CO-VD

JD 13/10/2015