

IN THE HIGH COURT OF JUDICATURE OF MADRAS

Date: 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

CRP.(NPD) Nos.971 and 972 of 2015
and M.P.Nos.1 and 1 of 2015

G. Sasikala

...Petitioner in both the petitions

...Vs...

1. E.Nilavarasan
2. Dr.G.Chitraimalli
3. E.Selva Elavarasan
4. A.Mirtha Malaini
5. The Sub Registrar,
Velachery, Chennai – 42.

...Respondents in both the petitions

(Respondents 4 and 5 are given up
since they remained exparte in the
trial court)

Prayer: Civil Revision Petitions filed under Article 227 Constitution of India against the order of the learned XV Asst. City Civil Judge, Chennai made in I.A.Nos.8677 and 8679 of 2014 respectively in O.S.No.6464 of 2013 dated 23.12.2014.

For Petitioner : Mr. A.S.Narasimhan

For Respondents : Mr.S.Veeraraghavan

COMMON ORDER

These Revisions are directed against the orders passed by the learned XV Assistant Judge, City Civil Court, Chennai in I.A.Nos.8677 of 2014 and 8679 of 2014 respectively.

2.The Revision Petitioner had instituted a suit in O.S.No.6464 of 2013 before the learned XV Assistant Judge, City Civil Court, Chennai against one Amirthamalini and Sub-Registrar, Velachery Sub Registrar office, Chennai for declaration that she is the owner of the suit property comprised in Survey No.339/1B. The suit was decreed as exparte on 30.04.2014. Thereafter the respondents 1 to 3 filed applications in I.A.Nos.8677/2014, 8678/2014 and 8679/2014 seeking to set aside the exparte decree, stay of further proceedings in the suit and for impleading the petitioners as defendants in the suit.

3. In the affidavit filed in support of the said petitions, the respondents 1 to 3 herein, had averred that the plaintiff had purchased the property in Survey No.339/1 from the original owner Mr.M.T.Srinivasa Raghavan and after sub-division of the suit property in the year 1979, the original owner has sold the entire extent of 30 cents in Survey No.339/1B to one Mr.Shiekmohideen.

4.The specific case of the proposed parties is that they have interest in the suit property and the suit without impleading the proposed parties is not maintainable. It is further averred that the plaintiff/petitioner herein had earlier filed a suit against the proposed parties in O.S.No.1594 of 2013, but suppressing the fact the present suit was filed. The application was opposed by filing a counter. Despite objection, the trial court has allowed the applications in I.A.No.8677/2014 and 8679/2014, however, rejected I.A.8678 of 2014.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6.The specific case of the proposed parties is that the plaintiff had purchased 10 cents in Survey No.339/1, however, the suit was filed in respect of the property situated in Survey No.339/1B. The proposed parties have further stated that they are the owner of the suit property and they are proper and necessary parties to decide the issues involved in the suit. The trial court after elaborately considering the case of the plaintiff and the proposed parties, allowed the application. I do not find any illegality or irregularity in the order.

K.KALYANASUNDARAM,J.,
ssd

In the result, the Civil Revision Petitions are dismissed.
Consequently, connected miscellaneous petitions are closed. No costs.

09.03.2015

Internet:Yes/No

Index: Yes/No

ssd

To

The XV Asst. City Civil Judge,
Chennai

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