

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN

C.R.P.(PD).No.1445 of 2013

and

M.P.Nos.1 and 2 of 2013

1.V.Yuvaraj

2.C.Periyasamy

... Petitioners

Vs.

1.Kuppiah @ Kuppasamy

2.V.Vinayagamoorthy

3.S.Srimurugan

4.S.Subburaj

5.N.Seethalakshmi

6.M.Surendran

7.K.Pazhani Pammu

8.B.Balasundaram

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 10.12.2012 made in I.A.No.210 of 2012 in O.S.No.70 of 2011 on the file of the Principal District Judge, Krishnagiri.

For Petitioner : Mr.Mukund R.Pandiyan

For Respondents : Mr.R.Bharathkumar

ORDER

This Civil Revision Petition is directed against the order dated 10.12.2012 in I.A.No.210 of 2012 in O.S.No.70 of 2011 whereby and whereunder the learned Principal District Judge, Krishnagiri was pleased to dismiss the application filed by the petitioner for impleading the respondents 2 to 7 herein as parties to the suit.

2.The petitioners filed a suit in O.S.No.70 of 2011 before the Trial Court on the strength of the sale agreement executed by the first respondent.

3.During the currency of the suit, the petitioners filed an application in I.A.No.210 of 2012 to implead the respondents 2 to 7 herein as parties to the suit on the ground that they have purchased the suit property during the currency of sale agreement. The Trial Judge dismissed the said application by holding that subsequent purchasers are not necessary parties for an effective adjudication of the matter.

4.The petitioners are aggrieved more on account of the observation made by the Trial Judge with regard to the merits of the matter.

5.Heard the learned counsel appearing for the petitioners and the

learned counsel for the respondents.

6.The petitioners filed the suit in O.S.No.70 of 2011 on the strength of the sale agreement dated 21.09.2007. Even according to the first respondent, the property was sold only after the agreement executed in favour of the petitioners. Therefore, the Trial Judge is right in his observation that subsequent purchasers are not necessary.

7.The other reason which made the petitioners to file this revision petition appears to be the observation made by the Trial Judge with respect to the merits of the matter.

8.While considering the application in I.A.No.210/212, the Trial Court was not expected to consider the issue with respect to the merits of the matter. The question of readiness and willingness should be considered by the Trial Court only after recording evidence. The Trial Court was not correct in making observation with regard to the readiness and willingness, while deciding the application for impleading. The learned Trial Judge is directed to decide the suit in O.S.No.70/2011 on merits without in any way being influenced by the observation in the I.A.No.210/2012 and more particularly with respect to readiness and willingness.

K.K. SASIDHARAN,J.

cse

9.The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

04.09.2015

Index : Yes/No

Internet : Yes/No

cse

To

The Principal District Judge,
Krishnagiri.

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