



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2015**

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**

C.R.P. (PD) (MD) No.746 of 2015

and

M.P. (MD) .No.1 of 2015

J.Mustafa

... Petitioner/Petitioner/3RD Party

Vs.

1. Nallammal
2. Durairaj
3. Natchimuthu
4. Thirunavukkarasu
5. Veerasamy
6. Thangamuthu
7. Palanisamy
8. Rajukumar
9. Chinnammal
10. Santhappan
11. Mohamed Vaise

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 08.08.2014 in I.A.No.530 of 2012 in O.S.No.205 of 2011 on the file of the Subordinate Judge, Palani.

For Petitioner : Mr.D.Rajakumar

O R D E R

The Civil Revision Petition is directed against the order dated 08.08.2014 in I.A.No.530 of 2012 in O.S.No.205 of 2011 whereby and whereunder the learned Subordinate Judge, Palani was pleased to dismiss the impleading petition filed by the petitioner/third party to the proceedings.

2. The first respondent herein filed a suit against respondents 2 to 11 for a decree of partition. During the currency of the suit, the petitioner purchased the suit property from the 10th defendant. The petitioner thereafter filed an application in I.A.No.530 of 2012 to implead him as a party to the civil suit. The application was dismissed by the learned trial Judge. The said order is under challenge in this revision.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Heard the learned counsel for the petitioner.



4. There is no dispute that the suit in O.S.No.205 of 2011 was filed by the first respondent praying for a decree of partition. The suit was contested by the defendants. While so, the petitioner purchased the property from the 10th defendant. The petitioner thereafter wanted an order impleading him as a party to the proceedings. The petitioner is pleading ignorance of the suit for partition. I am not in a position to agree with the contention taken by the petitioner that he is an innocent purchaser. The vendor of the petitioner is already a party to the proceedings. It is for the vendor to contest the suit in the manner known to law. In any case, I do not find any reason to take a different view in the matter.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar(C.S)

To
The Subordinate Judge, Palani, Dindigul District.

+1cc to Mr.D.RAJAKUMAR, Advocate, in SR. No. 18626

TS/12.05.2015/2P-3C

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