

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.1821 OF 2015

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ORDER:

The petitioner herein is the proposed defendant in O.S. No.1621 of 2006. The suit was filed by the 1st respondent herein seeking partition of the suit schedule property. Respondents 2 to 4 are defendants 1 to 3 in the said suit. The petitioner claims to be the neighbour of the property. Her grievance is that her property is shown in the suit schedule; and any decree, which may be passed by the Court later, would adversely affect her interests. The Court below rightly noted that the petitioner herein was not a necessary party to the partition suit as her rights were not involved therein; and she had no right to be impleaded as the 4th respondent in the suit.

While Sri P. Raj Kumar, Learned Counsel for the petitioner, would submit that any decree which may be passed can be used to interfere with the petitioner's possession of her property, and it is therefore necessary that she be permitted to implead herself as the 4th respondent in the suit, a decree is binding inter-parties and not on persons who are not parties to the suit. If the petitioner's possession, over her property, is sought to be interfered with, it is always open to her to avail her legal remedies by filing an independent suit before the competent Civil Court. That would, however, not justify her seeking to implead herself as the 4th respondent in the Suit. The order of the Court below does not suffer from any patent illegality necessitating interference under Article 227 of the Constitution of India.

The Revision fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAMESH RANGANATHAN, J

Date: 19.06.2015

MRKR