

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.4768 of 2015
and M.P.No.1 of 2015

1.M.Mariammal

2.M.Murugan

... Petitioners

Vs.

1.M.Nagaraj

2.M.Kokila

3.M.Saranraj

4.M.Arumugam

5.C.Shanmugavel

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decree dated 12.09.2015 in I.A.No.88 of 2015 in A.S.No.42 of 2015 on the file of the Principal Subordinate Court, Salem.

For Petitioners : Mr.K.A.Ravindran

ORDER

Challenging the fair and final order passed in I.A.No.88 of 2015 in A.S.No.42 of 2015 on the file of the Principal Subordinate Court, Salem, the 3rd party petitioners have filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.1111 of 2010 on the file of the District Munsif Court, Salem for specific performance.

3.The trial Court decreed the suit. Aggrieved over the same, the defendants filed an appeal in A.S.No.42 of 2015 on the file of the Principal Subordinate Court, Salem. During the pendency of the appeal, the revision petitioners, who claim to be the 1st wife and her son, filed an application under Order 1 Rule 10 of the Civil Procedure Code to get themselves impleaded in the appeal. Originally, the suit agreement was executed by one P.Mariappan and the defendants in favour of the 5th respondent/ plaintiff on 11.12.2008. Subsequently, the said Mariappan had died on 11.08.2010. When the defendants challenged the decree in A.S.No.42 of 2015, the revision petitioners have filed an application to get themselves impleaded stating that they have got a share in the property. However, in order to substantiate the claim made by the revision petitioners they have not adduced any oral or documentary evidence to establish their contention. In the absence of any proof being produced before the Lower Appellate Court, the Lower Appellate Court has rightly rejected the petition.

4. In these circumstances, I do not find any error or irregularity in the order passed by the Lower Appellate Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

06.01.2016

To

The Principal Subordinate Court,
Salem.

M.DURAIWAMY,J.
va

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