

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)Nos.1200 & 1201 of 2016 &
C.M.P.Nos.6588 & 6589 of 2016

S.Kavitha

... Petitioner in both CRPs

v.

1.Mariammal
2.Lakshmi
3.Chinnammal
4.Muniyammal
5.Meenachi
6.Parameswari
7.Narayanan
8.angamuthu
9.Ramar
10.Sellammal
CRPs

... Respondents in both

Civil Revision Petitions filed under Article 226 of the Constitution of India against the order dated 01.02.2016 passed in I.A.Sr.Nos. 6711/2015 & 6712 /2015 respectively in O.S.No.100 of 2010 on the file of Subordinate Judge, Attur.

For Petitioner : R.Ganesh Kumar

COMMON ORDER

The petitioner, who is a third party to the proceedings, has filed an application in I.A.Sr.No.6711/2015 in O.S.No.100 of 2010 on the file of Subordinate Court, Attur to set aside the ex-parte preliminary decree passed on 23.7.2012 and another application in I.A.Sr.No.6712/2015 in O.S.No.100 of 2010 to condone the delay of 1162 days in filing the application to set aside the ex-parte preliminary decree.

2. The Trial Court, returned the papers stating that the petitioner has no *locus standi* to file the applications.

3. Admittedly, the petitioner is not a party in the suit. Being a third party, she cannot file applications to set aside the ex-parte preliminary decree and condone the delay in filing the application to set aside the ex-parte preliminary decree. In these circumstances, the Trial Court, has rightly rejected the applications.

4. The learned counsel appearing for the petitioner submitted that the petitioner may be given liberty to file applications to get herself impleaded in the suit and along with the impleading application, the petitioner may be directed to represent the papers, which were returned by

the Trial Court.

5. Having regard to the submissions made by the learned counsel for the petitioner, liberty is given to the petitioner to file impleading application and represent the papers, which were returned by the Trial Court, along with the impleading application, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The Trial Court is directed to decide the application to be filed by the petitioner on merits and in accordance with law.

With these observations, the Civil Revision Petitions are disposed of No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2016

Index : Yes/No

Note : Registry is directed to return the original applications in I.A.Sr.Nos. 6711/2015 & 6712 /2015 to the learned counsel for the petitioner

Rj

To

The Subordinate Court,
Attur

M. DURAISWAMY,J.,

Rj

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