

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.409 of 2016

R.Geetha : Petitioner

versus

1. R.Annapoorani
2. R.Sundararajan
3. R.Nithyanandham
4. S.Susheela
5. K.V.Jayaraman
6. S.Jayanthi
7. S.Ganeshbabu
8. C.S.Ramprabhu
9. S.Maheswary
10. S.Jeevanantham
11. P.G.Padma
12. C.Nagaraj
13. P.Muthu
14. M.Kala
15. M.Sathya
16. The Sub Registrar
Thondamuthur Sub Registrar Office,
Thondamuthu
17. R.Krishnaveni
18. S.Sathish Kumar
19. N.Harihara Sudhan
20. N.G.Kannan

21. N.G.Yogesh Prabhu

22. C.Shanmugam

23. The Tamil Nadu Industrial Investment
Corporation Ltd., rep, by its Branch Manager,

24. S.Prakash : Respondents

PRAYER: Revision filed against the order dated 8.6.2015 in I.A.No.1187 of 2014 in O.S.No.17 of 2012 on the file of the III Additional Subordinate Judge, Coimbatore.

For petitioner :: Mr.C.Deivasigamani

For respondents :: Mr.K.Venkatasubban,
for respondents 1 to 4

ORDER

The petitioner filed an application in I.A.No.1187 of 2014 in O.S.No.17 of 2012 to implead her and other respondents as parties to the suit. The application was dismissed by the learned Trial Judge. The said order is under challenge in this civil revision petition.

2. The learned counsel for the petitioner contended that one Ramasamy obtained the suit property by way of partition and as such, the petitioner being the member of the family, is entitled to a share by birth. According to the learned counsel, the merits of the claim was not considered by the learned Trial Judge.

3. The learned counsel for the respondents 1 to 4 contended that the respondents have not given particulars about the transactions relating to the said Ramasamy and as such, the prayer of the petitioner to implead the subsequent purchasers has rightly been disallowed by the learned Trial Judge.

4. The application in I.A.No.1187 of 2014 has been filed by a third party with a prayer to impleaded her as a party. The petitioner also wanted the subsequent purchasers to be impleaded as parties. Though I do see considerable force in the argument made by the learned counsel for the petitioner with regard to the right claimed by the petitioners, there is nothing on record to show as to how the other respondents purchased the property. The learned Trial Judge has rightly observed that particulars were not furnished by the petitioner to implead the subsequent purchasers as parties.

5. Since the petitioner claimed that she is a legal heir of Thiru.M.Ramasami, who got the property by way of partition, the application for impleading deserves to be allowed. Since particulars were not furnished with regard to the subsequent purchasers, the application seeking to implead them is liable to be dismissed.

K.K.SASIDHARAN, J.

(tar)

6. In the result, the order dated 8 June 2015 in I.A.No.1187 of 2014 is set aside. The petitioner is impleaded as a party to the suit in O.S.No.17 of 2012. The plea made by the petitioner to implead subsequent purchasers is rejected.

7. The civil revision petition is disposed of with the above direction.
No costs.

14.11.2016

Index:Yes/no
tar

To
The III Additional Subordinate Judge, Coimbatore.

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