

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

C.R.P.(PD)No. 545 of 2016

and

C.M.P.No. 2756 of 2016

1. V.Rajendran
2. Rajagopal
3. Palanivel
4. Visalatchi
5. Palaniammal
6. Varutharaj
7. V.Selvaraj
8. V.Muniappan
9. Marriammal

... Petitioners 1 to 9/Petitioners 1 to
9/defendants 4 to 12

L.Nagappan (died)

... Nil /10th Petitioner/13th Defendant

10. Balamurugan
11. L.Srinivasan
12. Angammal
13. Deivanai
14. Manimekalai
15. Alamelu
16. P.Kandasamy
17. M.Murugesan

... Petitioners 10 to 18/Petitioners 11 to 18/
Defendants 14 to 21

Vs.

1. R.Saravanan

... 1st Respondent/1st Respondent/Plaintiff

2. Manian @ S.N.Radhakrishnan
3. R.Shanmugaraja ... 2nd and 3rd Respondents/Respondents 2 and 3/Defendants 1 and 2
4. Rajamanickam @ Thangaraj
5. Janarthanam
6. Mary Ester Sheela
7. Immanuvel Vasanth
8. Helan
9. Kalpana
10. Parimala
11. Margaret Selvi
12. Metilla
13. Aruna
14. Amsaveni @ Rajeswari

... Respondents 4 to 14/Respondents 4 to 14/Proposed Parties 1 to 11

Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decretal order dated 14.11.2015 passed in I.A.No. 704 of 2013 in O.S.No. 65 of 2013 on the file of the learned III Additional District Judge, Salem and to set aside the same.

For Petitioners : No appearance

For 1st Respondent : Mr.A.K.Kumarasamy

ORDER

This revision challenges an order of learned III Additional District Judge, Salem, passed in I.A.No. 704 of 2013 in O.S.No. 65 of 2013 dated 14.10.2015.

2. Counsel for petitioner not present. Heard counsel for first respondent.

3. The suit in O.S.No. 65 of 2013 has been filed by the respondent for partition as also for declaration of two sale deeds as null and void and for permanent injunction. I.A.No. 704 of 2013 had been moved by the petitioners/defendants 4 to 21 to implead proposed parties as defendant's 22 to 32 in the suit. In dismissing such application, the Court took note of the position that though the petitioners had raised a counter claim, they had not sought to implead the proposed parties at such stage. Though petitioners had contended that it was necessary to implead the proposed parties since they also have an interest in the "whole property", the proposed parties 1 and 2 have filed a counter informing that the proposed parties are unnecessary parties and they have nothing to do with the suit property. The Court below has also observed that owing to failure of the petitioners to take steps, the Interlocutory Application stood dismissed as against some of the proposed parties and the respondents had not sought to restore the petition against them. Finding, that it was not in a position to decide the issue completely and that the petition was liable to be dismissed on the ground of laches, the Court below has dismissed I.A.No. 704 of 2013. This Court finds no reason to interfere with the order under challenge.

C.T. SELVAM,J.

vsg

4. The Civil Revision Petition is dismissed. No costs. Consequently,
connected Miscellaneous Petition is closed.

vsg

01.07.2016

Index: Yes/No

Internet: Yes/No

To

III Additional District Judge, Salem.

C.R.P.(PD)No. 545 of 2016

and

C.M.P.No. 2756 of 2016