

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) Nos.999 & 1000 of 2016

&

C.M.P.No.5616 of 2016

Santhi

... Petitioner
in both Civil Revision Petitions

vs.

1.Kandasamy
2.Sivasamy
3.Ponnusamy
4.Sri Kamatchi Amman Labour Auto Works
By its Managing Director Ponnusamy
Selvaganapathi Nagar
Opposite to EB Office
Paramathi Road
Namakkal

5.Ayyammal
6.Saravanan
7.Raju
8.Srinivasan

... Respondents
in both Civil Revision Petitions

Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decretal order dated 09.03.2016 made in I.A.Nos.190 and 191 of 2015 in O.S.No.74 of 2010 on the file of the Principal District Judge, Namakkal.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.C.Jagadish

ORDER

The petitioner in the Civil Revision Petitions is a third party to the original suit, namely O.S.No.74 of 2010 pending on the file of the Court of Principal District Court, Namakkal.

2. The said suit came to be filed by the respondents 1 and 2 herein against the respondents 3 to 8 herein for a declaration of their title in respect of the suit property and for recovery of possession of the suit property from them. The suit is resisted by the defendants, namely respondents 3 to 8 in the Civil Revision Petition and a trial was conducted, which has neared completion and what remains to be done is to hear further arguments and pronounce judgment.

3. After hearing the arguments advanced on both sides, the case stood posted for judgment on 27.04.2015. At that point of time, the petitioner in the revisions filed two applications, one for re-opening the case and the other for impleading her as party defendant to the suit and they were numbered as I.A.Nos.190 and 191 of 2015 respectively. The said applications were strongly resisted by the respondents 1 and 2 herein/plaintiffs. After hearing both sides, the learned trial Judge held that such a belated applications, that

too, by a third party against whom the plaintiffs do not want to get a decree, cannot seek to be impleaded as a party defendant.

4. The petitioner claims that the suit property is the ancestral property of the third respondent, who is none other than her father and the sale made by him in favour of the vendor of the respondents 1 and 2/plaintiffs 1 and 2 was null and void and would not be binding on her. In fact, it has been brought to the notice of the Court that the petitioner has filed a separate suit for partition based on such a claim made by her. The present attempt to get impleaded in the suit is nothing but an attempt to prolong the case by trying to get impleaded in this case at a belated stage, that too, when the case stood posted for judgment.

5. The trial Court has not committed any mistake or error in exercise of jurisdiction in dismissing the applications as belated. Hence, the Civil Revision Petitions do not even merit admission and the same deserve to be dismissed at the threshold.

Accordingly, both Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

29.03.2016

Index: Yes/No
Internet: yes/No
gpa

To

The Principal District Judge
Namakkal

P.R.SHIVAKUMAR.J.,

gpa

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