



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.06.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) No. 1027 of 2014 (PD)
and
M.P. (MD) Nos. 1 and 2 of 2014

Adv. Sujatha

.. Petitioner

Vs.

1. S. Jothindra Geeth Prakash
2. P. Geetha
3. K. Sreenivasan @ K. S. Vasan
4. Dr. T. Jonas Ashok

.. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 28.02.2014 in I.A.No.412 of 2013 in O.S.No.160 of 2010 on the file of the Court of II Additional Subordinate Judge, Nagercoil, Kanyakumari District.

For Petitioner : Mr. S. Xavier Rajini

For Respondents : Mr. K. Bhaskaran

ORDER

This revision arises out of the order dated 28.02.2014 passed in I.A.No.412 of 2013 in O.S.No.160 of 2010 by the learned II Additional Subordinate Judge, Nagercoil, Kanyakumari District.

2. The first respondent instituted the suit against the respondents 2 to 4 for specific performance of the sale agreement deed dated 10.09.2004. The suit is being contested by the respondents 3 and 4 by filing written statement. Pending suit, an application in I.A.No.412 of 2013 was filed by the petitioner to implead himself as sixth defendant in the suit on the ground that on 30.03.2012, she purchased the property and she is in possession and enjoyment of the same.

3. That application was resisted by the respondents stating that the petitioner is no way connected with the suit and her purchase is hit by *Pendente lite*. The learned Subordinate Judge, dismissed that application. Aggrieved over the above said dismissal order, the present revision is filed.



4. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.K.Bhaskaran, learned counsel appearing for the respondent and perused the materials available on record.

5.It is seen that the first respondent filed the suit for specific performance after the sale agreement dated 10.09.2004. Indisputably, the petitioner purchased the suit property by a registered sale deed dated 30.03.2012. Since she is having interest in the out come of the suit, she is a proper and necessary party to the suit proceedings.

6.In such view of the matter, the order passed in I.A.No.412 of 2013, is set aside and the civil revision petition is allowed. No costs. Consequently, the connected miscellaneous petitions are also closed.

7.Considering the fact that the suit was filed in the year 2005, the learned II Additional Subordinate Judge, Nagercoil, is directed to dispose of the suit in O.S.No.160 of 2010, as expeditiously as possible preferably on or before 31.12.2016.

8.With the above direction, the civil revision petition is disposed of. No costs. Consequently, the connected M.Ps are also closed.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

The II Additional Subordinate Judge,
Nagercoil,
Kanyakumari District.

+2ccs to Mr.K.Bhaskaran,Advocate,SR NO: 34150

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JA-GSV-PM-13.07.2016/2P:4C

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