

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

C.R.P.(NPD).No.4295 of 2017
and CMP.No.20203 of 2017

C.R.Mani

..Petitioner

Vs.

1.V.Selvaraj

A.Padmavathy @ Padma (Died)

2.R.Babu

3.R.Kalyani

4.R.Narendran

5.R.Balaji

6.Abirami

7.R.Selvi

8.Natarajan

9.Manjula

10.Mathan Kumar

11.Siraj – Udin

..Respondents

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair order and decretal order dated 06.09.2017 passed in E.A.No.869 of 2017 in E.A.No.557 of 2016 by the Hon'ble IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Rajaramani

ORDER

According to the revision petitioner, the respondents 8 to 10 herein and others have filed an application in IA.No.869 of 2017 in EP.No.557 of 2016 in OS.No.6508 of 2008 before the IX Assistant City Civil Court, Chennai to implead them as petitioners 9 to 11 in the above EP as legal heirs of the deceased second plaintiff / decree holder namely Padmavathi alias Padma. The revision petitioner has filed counter affidavit by specifically objected for allowing the said application and submitted that the aforesaid proposed parties have no legal rights in respect of the deceased Padmavathi alias Padma. But, without considering the objection, the court below has allowed the application. Therefore, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. According to the learned counsel for the revision petitioner, the proposed parties who are said to be the legal heirs of the said Padmavathi alias Padma are not the legal heirs. The Padmavathi alias Padma was not a party in the execution petition. The said objections were not considered by the court below. After hearing both the parties, the court below has allowed the application. Hence, the revision petitioner has filed the present Civil Revision Petition

before this Court.

3. Heard, the learned counsel for the petitioner and perused the materials available on record.

4. The present application is only for impleading the legal heirs of the deceased second plaintiff. The objection of the revision petitioner can be considered even at the time of trial. At this stage, the Civil Revision Petition cannot be considered and the same is liable to be dismissed.

5. However, at the stage of the trial, the objection of the revision petitioner shall be considered by the court below after giving an opportunity to the revision petitioner.

6. In view of the above, the Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

23.11.2017

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

D.KRISHNAKUMAR. J,

lok

To

The IX Assistant Judge,
City Civil Court,
Chennai.



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