IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.674 of 2017 &
M.P.No.3415 of 2017

Krishnamurthy ... Petitioner

v.

1.Selvaraj
2.Rajamanickam
3.Sivalingam
4.Rani
5.Thiyalnayaki
6.Vasantha
7.Padmavathi
8.Gunasekaran ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the decree and judgement order dated 12.09.2016 made in I.A. No.222 of 2016 in O.S. No.632 of 1995 on the file on the II Additional District Munsif, Ulundurpet.

For Petitioner : Ms. A.Vinu Pradha

**O R D E R**

Challenging the order passed in I.A. No.222 of 2016 in O.S. No.632 of 1995 on the file of I Additional District Munsif Court, Ulundurpet. the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S. No.632 of 1995 for partition, separate possession and for other reliefs. The defendants filed their written statement and are contesting the suit.

3. After the commencement of the trial, the plaintiff filed an application in I.A.No.222 of 2016 under Order 1, Rule 10 of CPC to implead the proposed parties as defendants 10 and 11. According to the plaintiff, the defendants 2 and 3 had settled the property under Exs.P1 and P2, by way of registered sale deed dated 16.10.2015, in favour of the proposed parties.

4. On a perusal of Exs.P1 and P2, it is clear that the property settled in favour of the proposed parties are in Survey No.242/19(New Survey No.551/18) and on a perusal of the suit schedule, it is clear that the plaintiff had not sought for partition in respect of Survey No.242/19(New Survey No.551/18).

5. When the defendants 2 and 3 had settled the property in respect of Survey No.242/19, which is not the suit property, the Trial Court has rightly found that the proposed parties are not necessary parties and dismissed the application. The suit was filed in the year 1995 and it is pending for nearly 22 years. The Trial Court, taking into consideration the case of both the parties, rightly dismissed the application.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.03.2017

Index : No
Internet : Yes

Rj

To

The II Additional District Munsif
Ulundurpet.

M. DURAISWAMY,J.,

Rj

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