

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.77 of 2017

1. Mrs.B.Ruckmani
2. Ms.H.B.Suganthi
3. Ms.H.B.Vanitha
4. H.B.Manoj Kumar

.. Petitioners

Vs.

1. R.Raju

R.Rama Gowder (deceased 1st defendant)

2. Smt.Lingiammal
3. R.Gopalan
4. R.Bhojan
5. R.Sivan
6. R.Devaraj
7. Smt.Suseela
8. Smt.Kamala
9. Smt.Mani

R.Bellan (deceased 10th defendant)

10. Smt.Deviammal
11. B.Krishnan
12. B.Jeyan
13. Smt.Lakshmi
14. Smt.Seethaimmal, W/o M.K.Bheema Gowder
15. Smt.Janaki
16. Smt.Sinthamani
17. Smt.Seethiammal, W/o Kullan
18. K.Moorthy
19. K.Kumar
20. Smt.Beekiammal
21. K.B.Bhojan

22. K.B.Raju
23. K.B.Jayaprakash
24. K.B.Bharathi
25. K.B.Ravi
26. M.Devan
27. H.N.Kakkamallam

K.R.Bheeman (deceased 30th defendant)

28. M.D.Bellie Gowder

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Sub-Court of the Nilgiris, Ootacamund, to number the petition filed by the petitioners which was returned on 13.07.2015 in O.S.No.115 of 2005, in the un-numbered I.A., on the file of the Subordinate Judge of the Nilgiris, Ootacamund.

For petitioners : Mr.Lenin and Bhagya

ORDER

The revision petition is directed against un-numbered I.A., which is filed under Order 1 Rule 10(2) CPC to implead the proposed parties who are the legal heirs of the deceased 29th defendant in the suit. As the application is filed under Order 1 Rule 10(2) CPC, the same was returned directing the counsel to file it under Order 22 Rule 4 CPC. The said return is now challenged in this revision petition. When the application is maintainable only under Order 22 Rule 4 CPC, the application filed under

Order 1 Rule 10(2) CPC is not entertainable. Accordingly, liberty is granted to the revision petitioner to amend the provision of law and file appropriate application. When once such application is filed, the learned Sub-Judge, The Nilgiris, Ootacamund is directed to number the same, if the same is otherwise in order. With this direction, the revision petition is disposed of. No costs.

12.01.2017

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Copy to

The Subordinate Judge, The Nilgiris, Ootacamund.

PUSHPA SATHYANARAYANA, J

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