

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.757 of 2014
and M.P.No.1 of 2014

Dhananjeyan

.. Petitioner

-Vs.-

1. Sivakami

2. Ramalingam

3. Jayalakshmi

4. Elayaperumal

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the District Munsif cum Judicial Magistrate, Parangipettai dismissing I.A.No.104 of 2013 in O.S.No.67 of 2010 by order dated 12.11.2013.

For petitioner

... Mr.D.Baskar

For Respondent

... Ms.Srevidhya

O R D E R

The revision petitioner has filed this revision challenging the order refusing to implead him as fourth defendant in a suit for partition.

2. The respondents 1 to 3 are siblings. The first respondent herein has filed the suit for partition and separate possession against the respondents 2 to 4 claiming 1/3 share in the suit property. The fourth respondent is the purchaser from the second respondent. Pending suit, the fourth respondent has sold the property to the revision petitioner-proposed party and he claims to be the *bona fide* purchaser seeking to implead himself. As the revision petitioner has purchased an undivided share of the suit property from one of the sharers, his only remedy is to go for partition and further already the suit is pending for partition. The petitioner shall be allowed to get himself impleaded for the proper adjudication and determination of the shares at the time of final decree. Though the petitioner may not be a necessary party, for arriving at the proper adjudication in the matter, he may be added as a party, since he has purchased the suit property *pendente lite*. Hence, the order of the trial Court has to be set aside.

3. In view of the same, the impugned order passed by the learned District Munsif cum Judicial Magistrate, Cuddalore in I.A.No.104 of 2013 dated 12.11.2013 is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2017

srn

To

The District Munsif cum Judicial Magistrate,
Parangipettai

PUSHPA SATHYANARAYANA.J

srn

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