

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2265 of 2010

1.Mohammad Ali

2.Mumtaz Begum

: Petitioners

versus

1.Madanlal Jain (exparte)

2.S.Lakshmi

3.Munvar Hussain

4.Farooq Ali

5.Ayyappan Nandakumar

6.Hemavathi

7.Muzavir Ahamad Hareef

8.R.Deepa

9.Murugaraj

10.Lawanya

11.Meharaunnisa

12.Kulasekaran

13.Karthikeyan

14.Rajendran

15.Annapoorani

16.Muniammal

17.Maragathammal

18.Mohana

19.Mekkavan

20.Karunakaran

21.Senthamarai

22.Prema Prakasam

23.Venugopal

24.Veeramani

25.Balaraman

26.Sudha

27.Vijaya

28.Jayaganesh

29.Abibullah

30.Kalpana Krishnamurthi

31.Rahima Gani

32.Murugesan

33.Balaji

34.Venkat Kishore
 35.Sudhakar
 36.Srinivasan
 37.Murugan
 38.Thangamuthu
 39.Lalitha Meenatchi
 40.Balamurugan
 41.Somu R.Sundaram
 42.Faizi Nazar Ali

: Respondents

PRAYER: Revision filed against the order passed by the learned Principal Sub Judge, Chengalpattu dated 22.6.2010 in unnumbered I.A.No... of 2010 in O.S.No.53 of 2007.

For petitioners :: Mr.S.Ramesh

For respondents :: No appearance for R-2
 R-3 to R-42 given up
 R-1, exparte

ORDER

The application filed by the petitioners for impleading the subsequent purchaser as a party to the civil suit was rejected by the learned Trial Judge even before registration of the interlocutory application. The said order is under challenged in this civil revision petition.

2. Heard the learned counsel for the petitioners. None appears on behalf of the 2nd respondent.

3. The petitioners filed a suit for declaration against the respondents. During the currency of the suit, the second respondent sold the property to the proposed party. The petitioners therefore filed an application to implead the subsequent purchasers.

4. The learned Trial Judge was expected to number the application and thereafter decide the issue on merits. The learned Trial Judge, without even numbering the application, rejected the same, on the ground that the subsequent purchaser is a third party to the proceeding and as such, he is not a necessary party. I do not approve the manner in which the application was dealt with by the learned Principal Subordinate Judge, Chengalpattu. The question of deciding the matter on merits would arise only after numbering the application. I am therefore of the view that the matter requires fresh consideration.

5. In the result, the order dated 22 June 2010 is set aside. The learned Principal Subordinate Judge, Chengalpattu is directed to number the application filed by the petitioners and decide the same on merits, after issuing notice to the respondents.

6. The civil revision petition is allowed as indicated above. No costs. Consequently, M.P.No.1 of 2010 is closed.

21.06.2017

Index:Yes/no
tar

To
The Principal Sub Judge, Chengalpattu

K.K.SASIDHARAN, J.

(tar)

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