



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.66 of 2015

and

M.P. (MD) .No.1 of 2015

WEB COPY

1.Navaneetharagavan
2.Radharaj
3.Mohanraj
4.Vijayaraj
5.Ravichandran

: Petitioners/Plaintiffs

Vs.

1.Venkatasamy Naicker
2.Ramakrishnasamy
3.Neethirajan
4.Subbiah
5.Muthuraj
6.P.Ramasubbu
7.Ramalakshmi
8.Jeya
9.Usha
10.Mahesh
11.Ramalakshmi

: Respondents /Defendants

12.Mariammal

: Respondent/Proposed Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.1288 of 2014 in O.S.No.170 of 2010, dated 25.11.2014 on the file of the learned District Munsif Court, Kovilpatti.

For Petitioners : Mr.K.K.Ramakrishnan

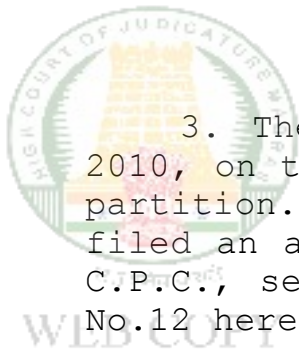
For Respondents : Mr.A.Chandrakumar
R1 to R3 & R-5 to R12

: No appearance for R.4

O R D E R

The Revision Petition has been filed by the petitioners against the fair and decreetal order passed in I.A.No.1288 of 2014 in O.S.No.170 of 2010 dated 25.11.2014 on the file of the learned District Munsif Court, Kovilpatti.

2. Heard the learned Counsel for the petitioners and the learned Counsel for the respondents and perused the materials available on record.



3. The petitioners/plaintiffs filed a suit in O.S.No.170 of 2010, on the file of the District Munsif Court, Kovilpatti seeking partition. During the pendency of the suit, the petitioners have filed an application in I.A.No.1288 of 2014 under Order 1 Rule 10 C.P.C., seeking permission of the Court to implead the respondent No.12 herein as defendant in the suit, who is the necessary party.

4. After hearing both sides, the trial Court dismissed the application by stating that the petitioners belatedly filed the implead petition upon accepting the counter statement of the fourth defendant without considering the relevancy of the presence of the proposed party to decide the entitlement of the proper share in the suit property belongs to the petitioners' grandmother and grandfather.

5. The learned Counsel for the petitioners submitted that every person interested in the suit property will be impleaded as necessary party to the suit, upon the circumstances of knowing the existence of remaining co-owner entitlement in the suit schedule property. Hence, he seeks interference of this Court to the order of dismissal passed by the trial Court.

6. The learned Counsel for the respondents submitted that the respondents have no objection for allowing the implead petition.

7. Considering the facts and circumstances of the case and also considering the submission of the learned Counsel for the respondents, this Court is inclined to allow this Civil Revision Petition. Accordingly, this Civil Revision Petition is allowed by setting aside the order passed by the trial Court in I.A.No.1288 of 2014 in O.S.No.170 of 2010. Consequently I.A.No.1288 of 2014 stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To
The District Munsif Court,
Kovilpatti.

+1cc to M/s.Bharathi, Advocate Sr.No.83358
LS/SSL
VB/MR/SAR1/02/11/2017/2P/3C

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