

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.1156 of 2018
and CMP.No.5979 of 2018

Chinnathambi Maraicaire @
Abdul Khader Maraicaire

.. Petitioner

Vs

- 1.Mahadoom Ghani Maricaire
- 2.Shahul Hameed Maricaire
- 3.Abubacker Maricaire
- 4.Mohamed Ariff Maricar
- 5.Aysha Nachiyar
- 6.Hajeran Beevi
- 7.Mohamed Ashiya Mariyam
- 8.Mohamed Sabeer
- 9.Mohamed Riyas
- 10.Ryhana Yasmin
- 11.Mohamed Mariyam
- 12.Nassrin Fariza

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.1244 of 2017 in O.S.No.8 of 2012, dated 25.01.2018 by the learned District Munsif, Nagapattinam, allowing the application filed by the respondent herein under Order 1 Rule 10(2) CPC to implead the 12th respondent herein as the 12th defendant in OS.No.8 of 2012.

For Petitioner

: Mr.S.Sathia Chandran

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the first respondent herein has filed a suit in OS.No.8 of 2012 on the file of the learned District Munsif, Nagapattinam for partition against the revision petitioner and the respondents 2 to 11 herein. In the aforesaid suit, the first respondent / plaintiff has filed an application in IA.No.1244 of 2017 to implead the 12th respondent herein as a party in the aforesaid suit. According to the revision petitioner, the first respondent / plaintiff had executed the settlement deed in favour of the 12th respondent herein, the daughter of the first respondent herein on 14.03.1997. Therefore, the 12th respondent herein is a necessary party in the aforesaid suit. The said application was allowed by the trial court. Challenging the aforesaid order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the said application has been filed by the revision petitioner at the stage of commencement of trial in the suit with an intention to

protract the proceedings. Therefore, the belated application was liable to be rejected by the trial court. But, the trial court has erroneously allowed the application. Therefore, the impugned order passed by the court below is liable to be set aside.

3. Heard, the learned counsel for the revision petitioner and perused the materials available on record.

4. By considering the facts of the case, the first respondent / plaintiff has filed the instant application in IA.No.1244 of 2017 to implead the 12th respondent herein as 12th defendant in the aforesaid suit. It is the case of the first respondent the settlement deed was executed in favour of the 12th respondent herein on 14.03.1997. Therefore, she is a necessary party in the said suit. Under Order 1 Rule 10 of the Civil Procedure Code, parties may be impleaded in a suit if they are necessary. Further, in order to avoid multiplicity of proceedings and also to resolve the issues among the parties, the said application has been allowed by the court below. Therefore, no prejudice would be caused to the revision petitioner if the 12th respondent herein is impleaded as a party in the said suit. Hence, this Court is of the view, that allowing the application would not prejudice the right of the

revision petitioner. Hence, the order passed by the trial court is sustained and the same is confirmed. There is no error or illegality in the orders passed by the court below.

5. At the request of the learned counsel for the revision petitioner, the learned District Munsif, Nagapattinam is directed to dispose of the suit in OS.No.8 of 2012 on merits and in accordance with law as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

6. The Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

23.03.2018

Speaking/Non-Speaking order

Index :Yes/No

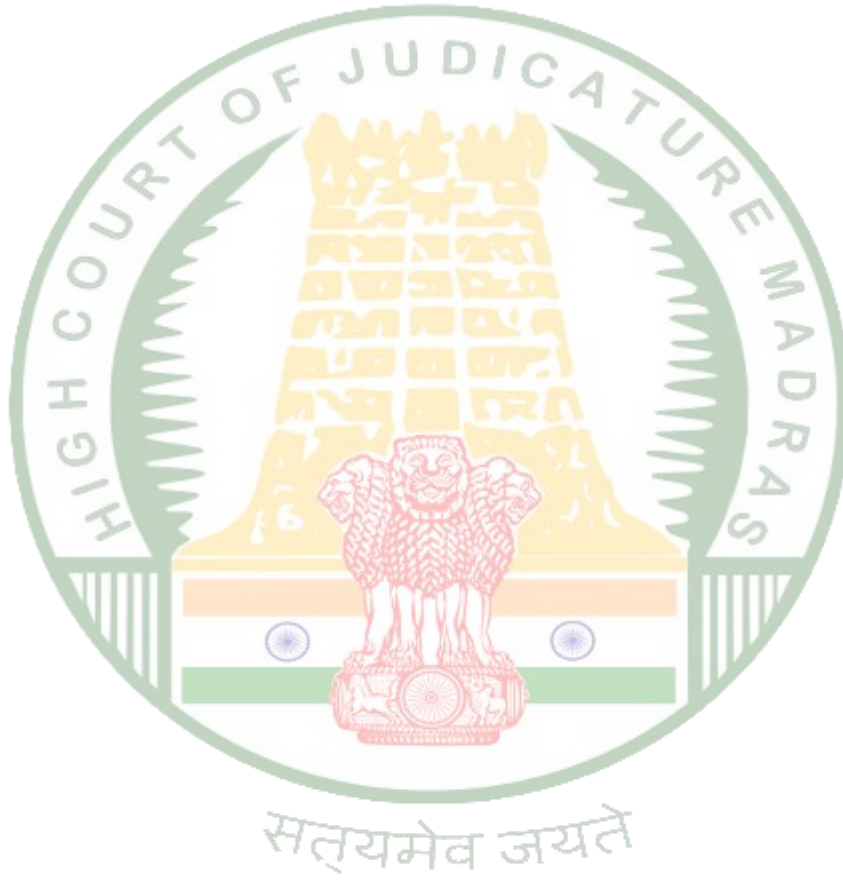
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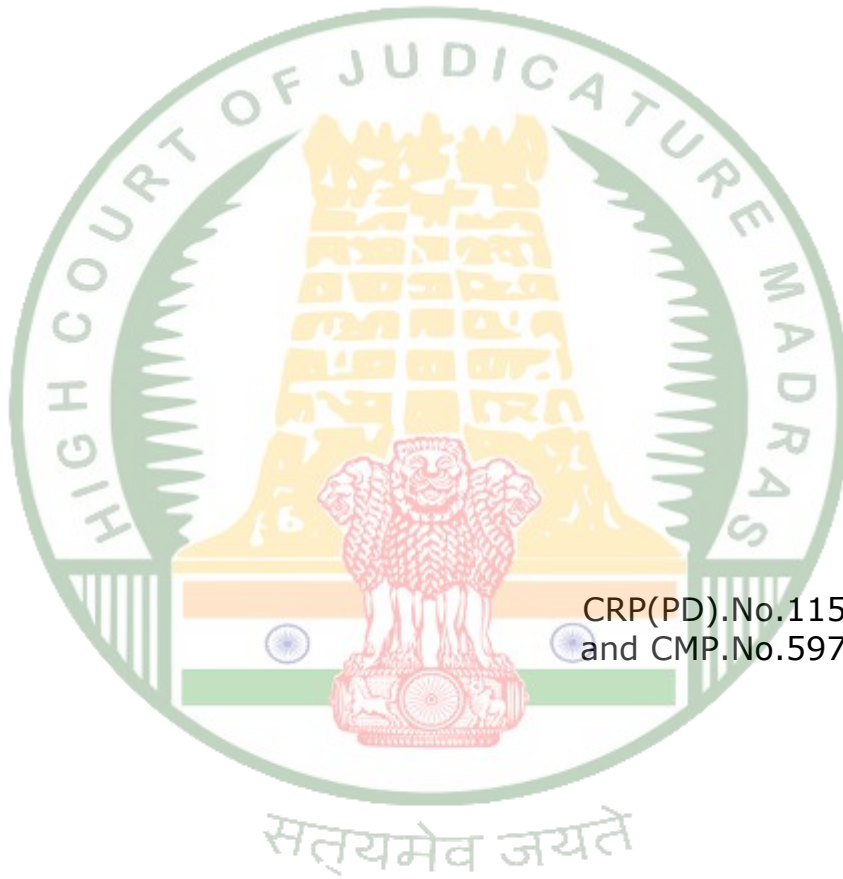
The District Munsif,
Nagapattinam.



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