

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.1482 of 2018 and
C.M.P.No.7887 of 2018

S.Ramesh

... Petitioner

Vs.

Dhakshinamoorthy
M.Sorriyammal (died)

... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order and decretal order dated 03.10.2016 passed in E.A.No.63 of 2016 in E.P.No.123 of 2014 in O.S.No.8 of 2012.

For Petitioner : Mr.K.Moorthy
For respondent:

ORDER

The civil revision petition has been filed against the order dated 03.10.2016 passed in E.A.No.63 of 2016 in E.P.No.123 of 2014 in O.S.No.8 of 2012.

2 The respondent herein filed a suit in O.S.No.8 of 2012 before the learned Subordinate Judge, Panruti for recovery of money, which was came to be decreed in favour of the respondent/plaintiff by

judgment dated 24.09.2013. The respondent herein also initiated execution proceedings in E.P.No.123 of 2014 and pending the said EP, the first defendant in the suit one Suriyammal died. Thereafter, the respondent filed E.A.No.63 of 2016 seeking to implead the petitioner herein as legal heir of the deceased first defendant, which was allowed by an order dated 03.10.2016. Aggrieved against the same the revision petitioner is before this Court with the present civil revision petition.

3 The learned counsel appearing for the revision petitioner would submit that the revision petitioner is not a legal representative of the deceased first defendant Suriammal and he is not necessary and proper party in the execution proceedings. The EP Court wrongly impleaded the revision petitioner as legal heir of the deceased first respondent, which is against law. Hence the revision petitioner is before this Court with the present civil revision petitioner seeking to set aside the order dated 03.10.2016.

4 Heard the learned counsel for the petitioner and perused the materials available on record.

5 On a perusal of the records it reveal that the petitioner herein is party to the suits filed before the very same Court in O.S.Nos.155 of 2009 and 39 of 2014, wherein the deceased first defendant viz., suriyammal is also a party. Further, whether the revision petitioner is a necessary party or not can be decided in the execution proceedings, mere impleading him as a party to the execution proceedings will not cause any prejudice to the revision petitioner.

6 In view of the above reasons, this Court does not find any illegality or infirmity in the order dated 03.10.2016 passed by the learned Subordinate Judge, Panruti.

7 Accordingly, the civil revision petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

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Internet: Yes/No
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To

The Subordinate Judge, Panruti.

P.VELMURUGAN, J.,

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