

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1777 of 2018

and C.M.P.No.9950 of 2018

Saraswathi

... Petitioner

Vs.

1. C.Murugasamy
2. K.S.Natarajan @ Vellayappan
3. S.Thangaraj

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 29.01.2018 passed in I.A.No.440 of 2016 in O.S.No.63 of 2004 on the file of the District Munsif Court, Palladam.

For Petitioner : Mr.K.Govi Ganesan

सत्यमेव जयते

ORDER

The relief sought for in this revision petition is to set aside the fair and decreetal order dated 29.01.2018 passed in I.A.No.440 of 2016 in O.S.No.63 of 2004 on the file of the District Munsif Court, Palladam.

2. The first respondent filed a suit in O.S.No.63 of 2004 before the learned District Munsif, Palladam for partition against the revision petitioner. The suit is pending.

3. During the pendency of the suit, the first respondent sold the property to the second and third respondents. Subsequently, the first respondent and the revision petitioner filed an application under Order 1 Rule 10(2) and Section 151 of C.P.C., to implead the proposed parties (second and third respondents herein) in I.A.No.440 of 2016 in O.S.No.63 of 2004 before the learned District Munsif, Palladam.

4. After giving an opportunity, the trial Judge came to a conclusion that the second and third respondents who are the proposed parties are proper and necessary parties to the suit. Without adding them, adjudication will not be completed and on failure to join the necessary parties, it may result in multiplicity of proceedings and may result in failure of justice. Finally, the trial Court allowed the application.

5. Aggrieved against the order passed by the trial court dated 29.01.2018, the revision petitioner is before this Court by way of the civil revision petition.

6. Heard the learned counsel for the petitioner and perused the available records.

7. Admittedly, the first respondent filed the suit against the revision petitioner for partition. Further, it is admitted by the revision petitioner that the first respondent sold the properties in favour of the second and third respondents. Hence, they are proper parties to the pending suit in O.S.NO.63 of 2004 on the file of the learned District Munsif, Palladam.

8. Therefore, under these circumstances, since, the suit is pending, and also the fact that as observed by the learned trial Judge it may result in multiplicity of proceedings, there is no reason to interfere with the order passed by the trial Court.

9. Therefore there is no merits in this revision petition and this Court does not find any illegality or infirmity in the order passed by the trial Court.

P.VELMURUGAN, J.,

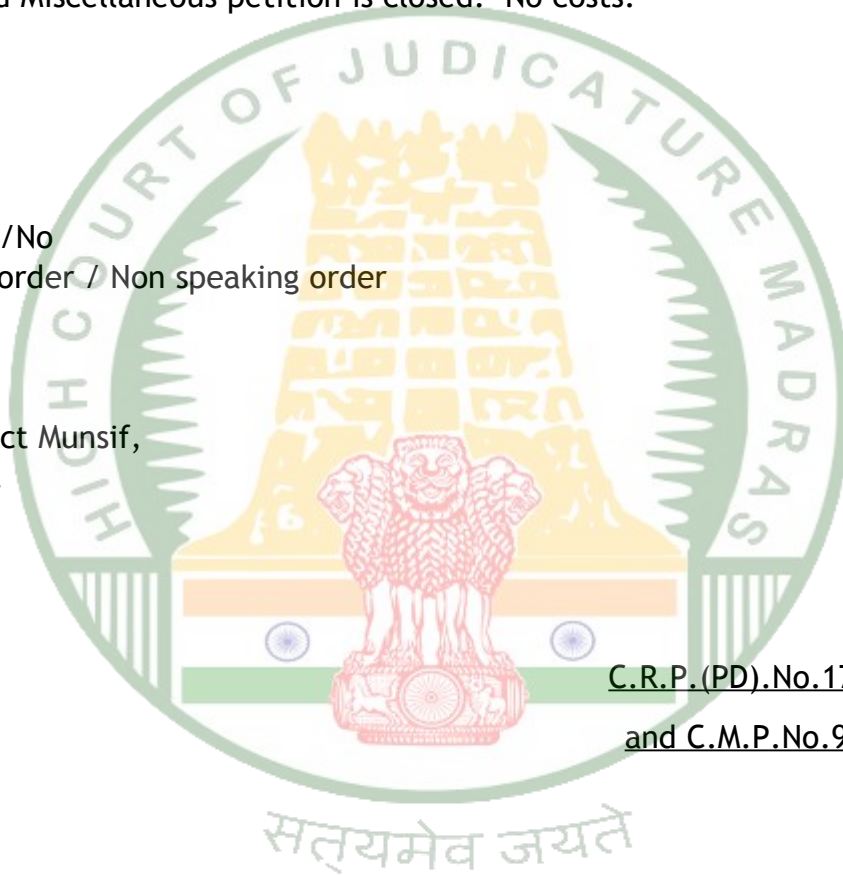
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10. In the result, the Civil Revision petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

18.06.2018

Index:Yes/No
Speaking order / Non speaking order
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To
The District Munsif,
Palladam.



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