

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (PD) No.4570 of 2017

and

C.M.P.No.21558 of 2017

R.Devadass

.... Petitioner

..Vs..

1.R.Govindarajan
2.P.Rukmani
3.V.Amirtham
4.R.Neelaveni
5.D.Girija
6.G.Indira
7.C.Gopalakrishnan
8.A.Dhana

.... Respondent

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the fair and final order dated 07.09.2017 made in I.A.No.363 of 2017 in O.S.No.726 of 2011 on the file of I Additional District and Sessions Judge, Coimbatore.

For petitioner : Mr.Pitty Parthasarathy

ORDER

Challenging the against the fair and final order dated 07.09.2017 made in I.A.No.363 of 2017 in O.S.No.726 of 2011 on the file of I Additional District and Sessions Judge, Coimbatore, the present Civil Revision Petition has been filed.

2. The 1st respondent has filed a suit in O.S.No.726 of 2011 against the respondents 2 to 5 and the petitioner herein for declaration. The 2nd defendant in the suit has filed an application in I.A.No.363 of 2017, before the Court below under Order 1 Rule 10 of C.P.C., to implead the subsequent purchasers/proposed parties as defendants in the suit. According to the petitioner, there was a family arrangement by way of Panchayat Mutchalika between the parties to the suit as early as on May 2008, the 2nd defendant is the allottee and absolute owner of the suit property, after the partition among the Co-owners on 27.05.2008. The averments made in the plaint would demonstrate the malafide, bent of mind of the plaintiff to suppress the material evidence after the partition is effected and the individuals have taken their respective shares which makes they were excluded from the properties allotted to co-sharers. There is no co-ownership existed, after partition, the same was effected, the petitioner had filed an application to reject the plaint in I.A.No.444/12 that the 2nd defendant became owner of the suit property and he has settled the property in the name of his wife in the year 2011. The Court below dismissed the said application holding that the petitioner has not furnished any particulars.

3. On perusal of the affidavit filed in support of the petition, the said application filed without any particulars as to how the property was subjected to

partition and whether it is the joint family property or it belongs to the proposed parties. Without any satisfactory reasons and the application, the trial Court has rightly dismissed the application. Hence, there is no error or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.02.2018

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To

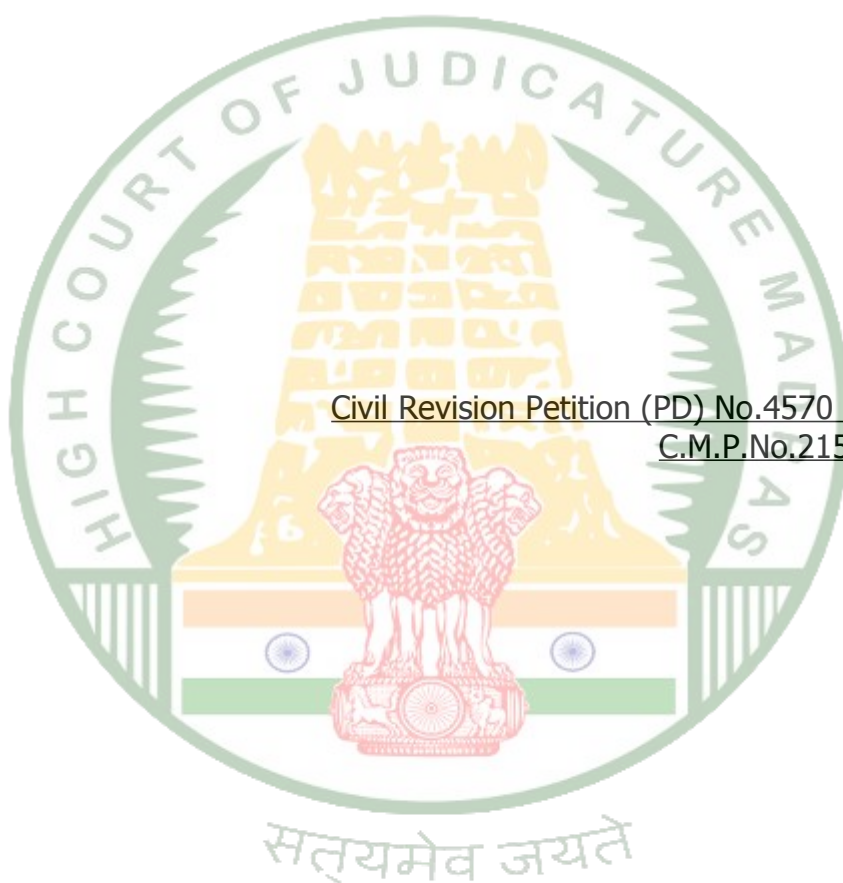
The I Additional District and Sessions Judge, Coimbatore.



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D.KRISHNAKUMAR, J.,

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