

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.859 of 2018
and CMP.No.4727 of 2018

1.Selvam
2.Selvamani
3.K.S.Selvi @ Tamilselvi

.. Petitioners

Vs

1.T.K.Duraisamy
2.M.Thangaraj
3.Palani Naicken
4.Chinnathambi @ Ramasamy
5.Nallammal
6.Vasanthi

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 21.08.2017 in IA.No.141 of 2015 in IA.No.886 of 2015 in OS.No.422 of 2007 passed by the learned Principal District Munsif, Thiruchengode.

For Petitioners

: Mr.A.Sakthidharan

ORDER

According to the revision petitioners, respondents 1 to 3 have filed an application in IA.No.141 of 2015 in IA.No.886 of 2015 in OS.No.422 of 2007 to implead themselves as party in the suit. According to respondents 1 to 3, during the pendency of the suit, respondents 4 to 6 have sold undivided share of the suit property on 09.06.2008 by virtue of sale deed for valuable consideration. The said application was allowed by the court below. Challenging the aforesaid order, the revision petitioners / plaintiffs have filed the present Civil Revision Petition before this Court.

2. According to the revision petitioners, the aforesaid suit has been filed for partition and separate possession against respondents 4 to 6. Preliminary decree was passed on 03.12.2014 and the aforesaid application in IA.No.886 of 2015 has been filed for passing final decree and the revision petitioners have denied the alleged sale deed executed by the respondents 4 to 6 in favour of the proposed parties. Therefore, they are not necessary party in the final decree proceedings and the order passed by the court below is liable to be set aside.

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

4. It is the case of the respondents 1 to 3 that they have purchased the aforesaid property on 09.06.2008 from the respondents 4 to 6 in the year 2008. Now the present application has been filed in IA.No.886 of 2015 for passing final decree. Admittedly, the said property was purchased by the respondents 1 to 3 at the time of pending the suit. Respondents 1 to 3 is only stepping in to the shoes of the vendors namely respondents 4 to 6. Therefore, is no prejudice caused to the revision petitioners, if the aforesaid parties are impleaded as party in the said suit. On the other hand, they have purchased the property pending the suit, they are also necessary party in the suit, to resolve the issues in the presence of the parties and also to avoid multiplicity of the proceedings for the relief as claimed by the revision petitioner. Therefore, the order of the court below is sustained and there is no warrants to interfere with the orders passed by the court below and the Civil Revision Petition is liable to be dismissed.

5. At this stage, the learned counsel for the revision petitioners seeks this Court to pass appropriate orders by directing the court below to dispose of the IA.No.886 of 2015 within the time as may be fixed by this Court.

6. In view of the above said facts and circumstances of the case, the Civil Revision Petition is dismissed with a direction to the Principal District Munsif Court, Tiruchengode to dispose of the IA.No.886 of 2015 in OS.No.422 of 2007 on merits and in accordance with law as expeditiously as possible preferably on or before 31.08.2018. Consequently, the connected miscellaneous petition is closed. No costs.

08.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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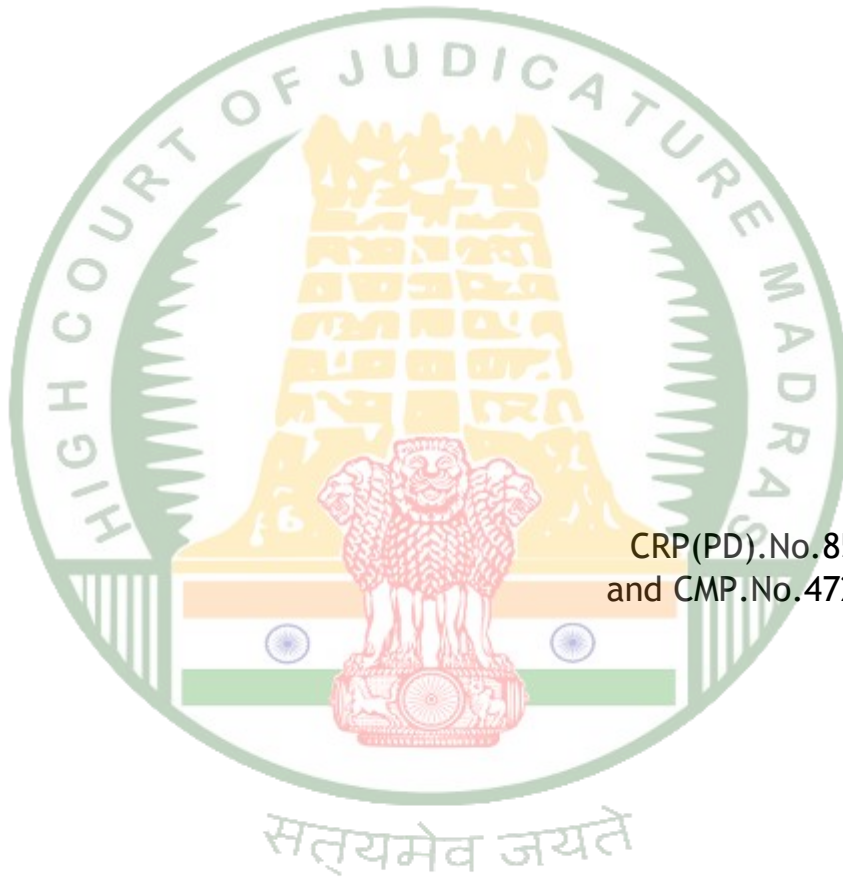
The learned Principal District Munsif,
Thiruchengode



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D. KRISHNAKUMAR J.,

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