



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.09.2018**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.222 of 2018

and

C.M.P. (MD) No.928 of 2018

A.Maria Anthonydoss

... Petitioner

Vs.

1.M.Periya Adaikkan

2.M.Karuppanan

3.R.Ramadoss

4.R.Mohan

5.R.Selvam

6.Booma

7.Thavamani

8.Moorthy

9.Malayayee

10.Packialakshmi

11.Malaichamy

... Respondents

PRAYER : Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 08.01.2018 made in I.A.No.1058 of 2017 in O.S.No.11 of 2011 on the file of District Munsif, Melur and allow the revision.

For petitioners: Mr.P.Paranthaman

For R1 and R2 : Mr.V.Meenakshi Sundaram

For R3 to R11 : No appearance

ORDER

The respondents 1 and 2 herein filed O.S.No.11 of 2011 before the District Munsif Court, Melur, seeking certain reliefs. From the first defendant, in the said suit, the revision petitioner has purchased one item of the suit property. He wanted to get impleaded by filing I.A.No.1058 of 2017. The same was dismissed. Questioning the same, this Civil Revision Petition has been filed.

2.Heard learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The reason for dismissing the I.A.No.1058 of 2017 was that the purchase by the revision petitioner took place when the



injunction against alienation was operating against the first defendant. Therefore, according to the plaintiffs the very alienation is bad in law.

4. In my view that the petitioner can be allowed to get himself impleaded reserving all the contentions available to the plaintiff to impeach the said sale.

5. In this view of the matter, the order impugned in this Civil Revision Petition is set aside. It is submitted that the suit has since been transferred to Additional District Judge, Madurai.

6. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The District Munsif,
Melur.

2. The Additional District Judge,
Madurai.

3. Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO MR.D.NALLATHAMBI, ADVOCATE IN SR NO.85140

+ 2 CC TO MR.P.PARANTHAMAN, ADVOCATE IN SR NO.85525

pnn

BU/PM/SAR-III : 25.10.2018 : 2P/8C

ORDER MADE IN
C.R.P. (PD) (MD) .No.222 of 2018
and
C.M.P. (MD) No.928 of 2018
18.09.2018