



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) No.636 of 2018
and C.M.P.(MD) NO.2789 of 2018

S.Abdul Latheef ...Petitioner/Petitioner/Proposed 2nd Plaintiff
-Vs-
1.Mohideen .. 1st Respondent/1st Respondent/Plaintiff
2.Prince Maanassa
3.Vijayan Biswas ... 2nd and 3rd Respondents/2nd and 3rd
Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and order and decretal order passed in I.A.No.253 of 2013 in O.S.No.109 of 2012 dated 5.10.2017 on the file of the Sub Court, Valliyoor.

For Petitioners : Mr.S.Meenakshi Sundaram
For R1 : No appearance
For R2 & R3 : Mr.M.Saravanan

O R D E R

O.S.No.109 of 2012 on the file of the Sub Court, Valliyur was filed by one Mohideen against the respondents 2 and 3 herein. It is a suit for bare injunction. During the pendency of the suit, a portion of the suit property was purchased by the revision petitioner herein. He wanted to get himself impleaded as second plaintiff. The court below by order dated 05.10.2017 dismissed the said Interlocutory Application. Questioning the same, this Civil Revision petition has been filed.

2. Heard the learned counsel appearing on either side.

3.This Court is of the view that since the revision petitioner has come to acquire a certain interest in the suit property, it would be just and proper to allow him to be impleaded as co-plaintiff in the suit. In this view of the matter, the order impugned in this Civil Revision Petition is set aside. This Civil Revision petition is allowed. No costs.

4. The learned counsel appearing for the respondents 2 and 3 submits that by committing acts of forgery documents have been fabricated thereby casting cloud over their rights and he prayed before this Court that the suit may be disposed of as early as possible.



5. The said request is reasonable. The learned Sub Judge is directed to dispose of O.S.No.109 of 2012 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. It is made clear that the court below shall not permit any further applications for impleading on the ground that there are subsequent purchasers in respect of other portions of the suit property. If needed, the court below is directed to conduct the proceedings on day to day basis.

6. With the above directions, this Civil Revision Petition is allowed. No costs. Consequently, connected C.M.P.(MD) No.2789 of 2018 is closed.

SD/
ASSISTANT REGISTRAR(CS-I)

/TRUE COPY/

SUB ASSISTANT REGISTRARx(CS-III)

TO

1.THE SUB COURT,
VALLIYOOR.

+1 CC To MR.M.Saravanan, Advocate SR. NO.88745

+1 CC To MR.N.Ganatraj, Advocate SR. NO.88745

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CM

DS PM SAR 3 27.11.2018 2P 4C