



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.1201 of 2014

and

M.P (MD) Nos.1 of 2014

K.Visalakshi : Petitioners / Petitioners / 3rd Party -
proposed defendant

vs.

1.M.Solarajan : 1st Respondent / 1st Respondent / Plaintiff
2.Ravichandran
3.Chitrakala : 2 and 3 Respondents
/ 2 and 3 Respondents /
/ 1 and 2 Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.12.2013 in I.A.No.420 of 2012 in O.S.No.63 of 2011 on the file of the Additional District and Sessions Judge, Dindigul.

For Petitioner	: Mr.H.Lakshmi Shankar
For R1	: Mr.A.R.Sethupathy
R2	: No appearance
For R3	: Mrs.P.Jessi Jeeva Priya

ORDER

This Civil Revision Petition is filed against the order passed in I.A.No.420 of 2012 in O.S.No.63 of 2011 on the file of the Additional District Court, Dindigul. The revision petitioner is a third party to the suit in O.S.No.63 of 2011 on the file of Additional District Court, Dindigul, is not in dispute.

2.The suit in O.S.No.63 of 2011 was filed by the first respondent herein for partition of 1/3 share in items 1 to 4 and 1/2 share in respect of item 5 of suit properties and for other consequential reliefs. The revision petitioner has filed an application to implead himself as party to the suit on the ground that he has obtained a personal decree against one of the parties to the suit. It is also stated that the revision petitioner has obtained an order of attachment in respect of the suit properties and that he has also attached the suit properties in execution of the decree as against the judgment debtor in the suit.



3. Since there is an order of attachment in execution petition, the learned Counsel for the petitioner submitted that the petitioner is a necessary party. Having regard to the factual position narrated above in the petition, the petitioner is a necessary and proper party to participate in the proceedings, so that there will be avoidance of multiplicity of proceedings and rights of parties can be effectively decided in the pending suit. In that view of the matter, this Court is inclined to pass the following order:

4. The order passed by the learned Additional District Judge, Dindigul in I.A.No.420 of 2012 in O.S.No.63 of 2011 is set aside and the petition in I.A.No.420 of 2012 in O.S.No.63 of 2011 stands allowed.

5. The learned Counsel for the respondents submitted that the suit for partition was filed in the year 2011 and that it is unnecessarily being dragged on, at the intervention of several persons. It is seen from the proceedings, the suit has been filed in the year 2011 and there is no progress in the trial in view of the pendency of this civil revision petition. Hence, the learned Additional District Judge, Dindigul is directed to expedite the trial and dispose of the suit in O.S.No.63 of 2011 within a period of six months from the date of receipt of a copy of this order.

6. As a result, this petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Additional District and Sessions Judge, Dindigul.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to Mr.H.LAKSHMI SHANKAR, Advocate in SR.No.72484

+1 CC to Mr.T.R.SUBRAMANIAN, Advocate in SR.No.72297

+1 CC to MrS.P.JESSI JEEVA PRIYA, Advocate in SR.No.72616

CMR

RJ/PN/SAR-2/26/07/2018 - 2P/7C

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