



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2018
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI
C.R.P. (MD) No. 1285 of 2015

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1. Karuppaiah

2. Ramaiah .. Petitioners/Petitioners /Plaintiffs

Vs.

1. Mariammal

2. Balakrishnan

3. Ammasi

4. Arumugam

5. Kannan

6. Malairaj .. 1 to 6 Respondents/1 to 6 Respondents/
1 to 6 Defendants

7. Kathiresan

8. Kumaravel

9. Parvathi

10. Shanmugarani

11. Kulandhaikkarasi

12. Vijayarani

13. Baladivya

14. Thirumurugan

15. Mouniga

16. Jeyamurugan .. 7 to 16 Respondents/ Respondents/
7 to 16 Proposed Parties

Prayer : This revision petition is filed under Article 227 of the Constitution of India, to set aside order passed in I.A.No.92 of 2015 in O.S.No.33 of 2013 on the file of District Munsif Court, Paramakudi, dated 06.04.2015.



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For Petitioners : Mr.K.Kumaravel
For R-1,3,5 and 13 : No appearance

For R2, R7 to R12 : Mr.H.Thayumanasamy

For R4 and R6 : Mr.G.Prabahari

R11,14,15 and 16 : Given up vide Batta

ORDER

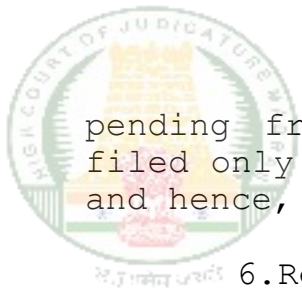
This petition has been filed against the order passed in I.A.No.92 of 2015 in O.S.No.33 of 2013 on the file of District Munsif Court, Paramakudi, dated 06.04.2015.

2.On the side of the petitioners, it is stated that Survey No.252/1, Kattuparamakudi Village is the suit first item of the property and there was a compromise decree in O.S.No.85 of 2013 on the file of the District Munsif, Paramakudi with regard to the property in question. The petitioners are not a party in O.S.No.85 of 2013 and the present suit was posted for trial and during the trial the respondents 1 to 6 were trying to mark the compromise decree and hence the order of dismissal passed in I.A.No.92 of 2015 in O.S.No.33 of 2013 is to be set aside.

3.On the side of the petitioners, it is stated that unnecessarily the first item of the property was included in O.S.No.33 of 2013 and in the compromise decree passed in O.S.No.33 of 2013 the name of one Kathiresan and others were impleaded, thereby patta was issued to their name and in O.S.No.85 of 2013, the first defendant was set ex-parte and the Legal Representatives of the first defendant are to be impleaded as parties in this case and brothers of said Kathiresan and the Legal Representatives of Kathiresan and his brothers are also necessary parties in this case and office bearers sought to be impleaded as defendant Nos.7 to 16.

4.On the side of the petitioners, it is stated that in the written statement filed by the second defendant, it was stated that one Palanivelu, Kathiresan, Kumaravel are enjoying the first item of the suit property. The Legal Representatives of Kathiresan and others are to be impleaded as parties to the suit and it is prayed that the impleading petition is to be allowed.

5.On the side of the respondents, it is stated that this petition was filed only to drag on the proceedings and there is no pleading in the suit with regard to the third parties. The property described are different and the property described in the suit in O.S.No.33 of 2013 is not between these parties. The proposed impleading parties are third parties, who are no way connected with the suit property and they are not necessary parties. The suit is



pending from the year 2013 and the Interlocutory Application is filed only in the year 2015 and there was no such petition till then and hence, the petition is to be dismissed.

6. Records perused.

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7. On the side of the petitioners, it is stated that they want to implead some third parties, who are parties in O.S.No.85 of 2013. It is further stated that the first item of the suit property is the suit property in O.S.No.85 of 2015 also.

8. Verification of the records, reveals that the first item of the suit property is Suvey No.252/1 with a measurement of 90 cents. A perusal of the plaint in O.S.No.85 of 2013 reveals that this property is not a suit property in that case. A perusal of the records reveals that in the compromise memo filed in the Lok Adalat, it is stated that patta is to be transferred in the names of Thiruvaiya, Erulamuthu, Subramani and Balamurugan, but, in this petition those persons are not stated to be a proposed parties. On the side of the respondents 3 to 6, it is stated that these persons have no connection with the petition mentioned property. The suit property item No.1 is not a property in O.S.No.85 of 2013 and the parties, who made statements in the compromise memo in O.S.No.85 of 2013 are not proposed parties in this petition and already the case is pending for examination of P.W.3 and this petition is filed only belatedly. There is no merit in this case and there is nothing to interfere in the order of the Lower Court and hence, this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Munsif,
Paramakudi.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1CC TO MR.H.THAYUMANASWAMY ADVOCATE IN SR.No.79581.

LS

DS RP SAR-1;07.09.2018; 3P/5C

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

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