



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.952 of 2017

and

C.M.P. (MD) .No.4190 of 2017

V.Karuppasamy

... Revision Petitioner

Vs

1.Kuppusamy

2.Periyasamy

3.Mahalakshmi

... Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order made in I.A.No.409 of 2016 in I.A.No.110 of 2013 in O.S.No.330 of 2012 by the Subordinate Court, Palani dated 26.09.2016.

For Petitioner : Mr.D.Venkatesh

For R1 : No appearance

For R2 : Mr.R.Mathiyalagan

ORDER

The plaintiff in O.S.No.330 of 2012 on the file of the Sub Court, Palani, is the revision petitioner herein. The suit is one for recovery of money. The Plaintiff had originally impleaded one Kuppusamy, the brother of the deceased as the sole defendant. The plaintiff was under the impression that the deceased did not have any wife. Subsequently, he came to know that the third respondent herein is the wife of the deceased. Hence, he filed I.A.No.409 of 2016 for impleading her. The Court below by order dated 26.09.2016, dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.

2.The case of the plaintiff is that the deceased Thangaraj had borrowed money from him. In order to recover the same, he had proceeded against the legal heirs. He was under the impression that the deceased did not have any wife. When the plaintiff came to know that the third respondent is the wife of the revision petitioner, he filed I.A.No.409 of 2016.

3.Though, this Court does not render any finding with regard to the marital status of the third respondent, in view of the averments made in the affidavit filed in support of I.A.No.409 of 2016, it is of the view that the third respondent is a necessary party to the proceedings.



4.Hence, the order impugned in this Civil Revision Petition is set aside. and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

5.Since, the suit is of the year 2012, the Court below shall dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Subordinate Judge,
Palani.

- 1 CC TO Mr.M.VENKETESH , ADVOCATE IN SR No. 89612.
- + 1 CC TO Mr.R.MATHIYALAGAN , ADVOCATE IN SR No.89749.
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ORDER MADE IN
C.R.P. (PD) (MD) .No.952 of 2017
and
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