



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1229 of 2018 (PD)

and

CMP (MD)No. 5220 of 2018

1.Vijayarani

2.R.Sathya

3.R.Vijayaprakash

4.R.Deepakraj

... Petitioners

Vs.

1.U.Abbas

2.R.Ganesan

... Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.707 of 2015 in O.S No.169 of 2011 dated 20.04.2018 on the file of the District Munsif cum Judicial Magistrate, Sivagiri.

For Petitioners: Mr.J.Ashok

For Respondents: Mr.M.P.Senthil

ORDER

The contesting defendants in OS No.169 of 2011 on the file of the District Munsif Court, Sivagiri are the revision petitioners herein. The said suit was filed by one R.Ganesan seeking the relief of declaration and recovery of possession. In the said suit, IA No.707 of 2015 came to be filed by one Abbas. The said I.A was filed for impleading the said Abbas on the ground that he had purchased the suit property during the pendency of the suit proceedings. The court below had allowed the said I.A by order dated 20.04.2018. The correctness of the said order is questioned in this Civil Revision Petition.

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

2.Heard the learned counsel on either side.



3.The learned counsel appearing for the respondent placed reliance on the decision of the Hon'ble Supreme Court reported in **2013 (2) CTC 104 (Thomson Press (India) Ltd vs. Nanak Builders & Investors P.Ltd)**. The Hon'ble Supreme Court invoking the Order 22 Rule 10 of CPC held that in as much as the interest of the suit property had devolved on the subsequent purchaser, he is entitled to be impleaded as a party.

4.The said decision is squarely applies to the facts and circumstances of the case. The order of the court below cannot be faulted. There is no merit in this Civil Revision Petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The District Munsif cum
Judicial Magistrate,
Sivagiri.

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

+ 1 CC TO MR.J.ASHOK, ADVOCATE IN SR NO. 79878
+ 1 CC TO MR.M.P.SENTHIL, ADVOCATE IN SR NO. 79640

SKM

BU/MK/RSK/SAR-2 : 19.09.2018 : 2P/6C

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