



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1392 of 2016 (PD)

and

CMP(MD)No.6753 of 2016

1.Ramalakshmi

2.Selvaraj Velsamy

... Petitioners

Vs.

Sudalaimada Nadar (died)

1.Soodamani

2.Sarojini

3.No.0.1640 Nagalkulam

Primary Agricultural Co-operative Bank,
Rep.by its Secretary,
Main road, Essakiyamman Koil west,
Navaneethakrishnapuram, Pethanadarpatti
Village,
Alangulam Taluk, Tirunelveli District.

4.Jeyaraj

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.03.2016 passed in I.A No.1303 of 2015 in I.A No.281 of 2015 in O.S No.365 of 2010 by the Principal District Munsif, Tenkasi.

For Petitioners

: Mr.R.Maheswaran

For Respondents

: Mr.J.Gunaseelan Muthaiah

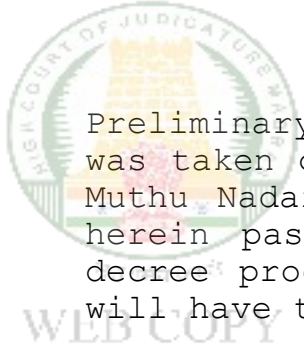
Additional Government

Pleader for R3

R1, R2 and R4 - No appearance

ORDER

The revision petitioners herein are the defendants 2 and 4 in O.S No.365 of 2010 on the file of the learned District Munsif Court, Tenkasi. The suit is one for partition and separate possession. The suit was instituted by the sister of the first petitioner. The defendants happen to be the parents and other sisters.



Preliminary decree came to be passed. Final decree application was taken out by the Soodamani/plaintiff. It appears that Sudalai Muthu Nadar, the father of the plaintiff and the first petitioner herein passed away even during the pendency of the preliminary decree proceedings. Now the legal heirs of the first defendant will have to be brought on record.

2. But then, while doing so, the original plaintiff did not bring the mother Lakshmi on record. This was opposed by the revision petitioners herein. But, the court below without taking note of the same, allowed the I.A filed by the plaintiff Soodamani on the ground that it is for her to choose who the respondents will be. But then, as rightly pointed out by the learned counsel appearing for the revision petitioner, it is not an application for impleading proposed parties but one to bring the legal representatives on record. Therefore, the objection raised by the revision petitioners is definitely tenable and the court below erred in not taking note of the same.

3. In this view of the matter, the order passed by the court below is modified. The plaintiff Soodamani is directed to file an interlocutory application for bringing the mother Lakshmi on record. With this modification, this civil revision 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 Principal District Munsif,
Tenkasi.

+1cc to Mr. B. Baskar, Advocate in SR No. 81691

CRP (MD) No. 1392 of 2016 (PD)
and
CMP (MD) No. 6753 of 2016

NM/RSK/SAR 2/05.10.18/2P/3C