



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1831 of 2016 (PD)

and

CMP (MD) No.8815 of 2016

V.Saravanan

... Petitioner

Vs.

1.Sudalaimuthammal

2.Parameswari

3.Meenatchi

4.Shanmugalakshmi

5.Janaki Raveendran

6.Annamalai

7.M.Kandasamy

8.M.Pitchai Pillai

9.Shanmugaval

10.Subbammal

11.Selvaraj

12.Samsuel Alam

13.Suresh

14.P.M.H.Ismathkhan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.03.2016 in I.A No.126 of 2013 in I.A No.8 of 2013 in O.S No.75 of 2009 on the file of the Principal District Court, Tuticorin.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.V.Meenakshisundharam

for Mr.D.Nallathambi for R2
R1, R3 to R6 Tapal returned
with endorsement - unclaimed

**ORDER**

O.S No.75 of 2009 on the file of the Principal District Judge, Tuticorin is a suit for partition filed by the respondents 1 to 6 herein. Preliminary decree was passed on 02.08.2010. Thereafter, final decree proceedings were instituted. The revision petitioner herein claims to have purchased a portion of the suit property from the sixth and seventh defendants. Since he is a purchaser pendente lite, he wanted to get impleaded himself in the final decree proceedings. He, therefore, filed I.A No.126 of 2013 before the court below. But, the same was dismissed by order dated 23.03.2016. Questioning the same, this civil revision petition has been filed.

2.Since the revision petitioner is a subsequent purchaser, he is entitled to get himself impleaded in the suit proceedings. But, it is made clear that the revision petitioner can take part in the final decree proceedings from the stage when he sought to get himself impleaded. In this view of the matter, the order impugned in this civil revision petition is set aside. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal District Court, Tuticorin.

+1cc to Mr.B.Rajesh Saravanan, Advocate in SR. No.82545

+1cc to Mr.D.Nallathambi Advocate in SR. No.82576

skm

MK/TE/SKN/SAR 1/03.10.2018/2P/4C

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