



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.1511 of 2018
and
C.M.P.(MD)No.6577 of 2018

N.Irulan ... Petitioner / Petitioner / 3rd Party

/Vs./

1.Karuppiyah
S/o.Alagan ... 1st Respondent / 1st Respondent /
Plaintiff.

2.Nagu

3.Karuppiyah, S/o.Irulan

4.Raman

5.Pillathian ... Respondents 2 to 5 / Respondents 2 to 5 /
Defendants 1 to 4

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the Fair and Decreetal Order dated 21.03.2018 made in I.A.No.819 of 2017 in O.S.No.37 of 2015 on the file of the District Munsif Court, Paramakudi.

For Petitioners : Mr.PT.S.Narandravan
For Respondents 1&2 : No appearance

ORDER

The first respondent in this Civil Revision Petition filed a suit in O.S.No.37 of 2015 on the file of the learned District Munsif Court, Paramakudi, seeking relief of declaration and permanent injunction. Even during the trial of the institutions of the suit, a portion of the suit property had been purchased by the revision petitioner from the first defendant namely, Nagu, by a registered sale deed dated 25.12.1998. Therefore, the revision petitioner filed I.A.No.819 of 2017 for impleading himself in the suit proceedings. The said I.A.No.819 of 2017 was dismissed by the Court below by an order dated 21.03.2018. Correctness of the said order is challenged in this Civil Revision Petition.

2. Though the plaintiff Karuppiyah has been served and his name appears in the cause list, he has not chosen to enter appearance in person or through counsel.



3. As rightly pointed out by the learned counsel for the revision petitioner, the revision petitioner having purchased a portion of the suit property from the first defendant, he is certainly having abundant interest in the subject matter of the suit. Therefore, the presence of the revision petitioner is essential for adjudication of the issues raised in the suit. It is to be noted that the plaintiff has sought a declaratory relief also. Therefore, the order passed in I.A.No.819 of 2017 in O.S.No.37 of 2015 on the file of the District Munsif Court, Paramakudi, dated 21.03.2018 is set aside. Accordingly, this Civil Revision Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The District Munsif, Paramakudi.

COPY TO:

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

+1cc to M/S.PT.S.Narandravasan, Advocate SR.No. 78738

Order made in
C.R.P. (MD) (PD) No.1511 of 2018
and

C.M.P. (MD) No.6577 of 2018

Dated:

14.08.2018

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JM/SKN RSK/SAR 4/20.08.2018/2P/5C