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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.812 of 2016

and

C.M.P. (MD) No.4101 of 2016

Vanitha

... Petitioner/Petitioner/
Proposed 5th Defendant

Vs.

1. Adaikappan

2. Pandi

3. Rasu

... Respondents 1 to 3/Respondents/
Plaintiffs

4. Chinnaiah

5. Murugesan

6. Alagappan

7. Malayappan

... Respondents 4 to 7/Respondents/
Defendant 1 to 4

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 09.02.2010 passed in I.A.No.252 of 2009 in O.S.No.73 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam.

For Petitioner

: Mr.K.N.Govardhanan

O R D E R

The Revision petitioner is a third party to O.S.No.73 of 2009 on the file of the learned District Munsif, Thirumayam. It is a suit for partition. The case of the Revision petitioner is that the suit property was purchased by her on 30.03.2009. The suit itself came to be instituted only 21.05.2009. In the said suit, the Revision petitioner wants to implead herself. The Revision petitioner's endeavour to get herself impleaded was opposed by the plaintiffs. I.A.No.252 of 2009 was dismissed by the Court below on 09.02.2010. The said order is questioned in this Civil Revision petition.

2. I am of the view that if the suit itself was instituted after the Revision petitioner had purchased the property and without making her a party, the outcome of the suit will not in any way affect or infringe the rights of the Revision petitioner. If any decree is obtained by the plaintiffs in the said suit, it cannot be put into execution against the Revision petitioner.



3. With these observations, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS-I)

To

1. The District Munsif cum Judicial Magistrate,
Thirumayam.
2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

PMU

VB/PM/SAR1/03.10.2018/2P/4C

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