



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P. (PD) (MD) .No.1832 of 2018 and
C.M.P. (MD) No.8024 of 2018

Muthusamy

... Petitioner/Petitioner/
Plaintiff**Vs.**

1. Ulagi
2. Visalatchi
3. S.Solai
4. Malai Kozhunthu

... Respondents 1 to 4/
Respondents 1 to 4/
Defendants 1 to 4

5. Veerammal
6. Nishanthini/Nallammal
7. Vellaisamy
8. Meenal
9. Rajammal
10. Seethalakshmi
11. Ulagammai
12. K. Seethalakshmi

... Respondents 5 to 12/
Respondents 5 to 12/
Defendants 5 to 12

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 21.02.2018 passed in I.A.No.43 of 2018 in O.S.No.42 of 2012 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi and allow the present Civil Revision petition.

For Petitioner : Mr.R.Subramanian
For R-1 to R-4 : Mr.C.Jayaprakash
For R-5, R-7 &
R-8 & R-11 : No appearance.
For R-9 : Died.
For R-6, R-10 & R-12: Refused.

ORDER

The plaintiff in O.S.No.42 of 2012 on the file of the Principal District Munsif Court, Karaikudi, is the Revision petitioner herein. The suit is one for declaration and recovery of possession. During the pendency of the suit, alienations have



taken place. The Revision petitioner wanted to bring the alienees on record. Therefore, I.A.No.43 of 2018 was filed. The Court below dismissed the said Interlocutory application. Questioning the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. This Court is of the view that the plaintiff only wants to get a binding decree and that is why he had filed the present Interlocutory application. The persons who are now to be impleaded cannot be said to be the strangers. They are the purchasers of the property, during the pendency of the suit. They are necessary parties to the suit. Therefore, it is in their interest to be made as parties to the suit.

4. In this view of the matter, the order impugned in this Civil Revision petition is set aside and the Civil Revision petition stands allowed. The Court below shall dispose of O.S.No.42 of 2012 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The Principal District Munsif cum Judicial Magistrate,
Karaikudi.

+ 1 CC TO MR.R.SUBRAMANIAN, ADVOCATE IN SR NO.87003

+ 1 CC TO MR.C.JAYAPRAKASH, ADVOCATE IN SR NO.87108

PMU

BU/PM/SAR-III:31.10.2018 : 2P/4C

C.R.P. (PD) (MD) .No.1832 of 2018 and
C.M.P. (MD) No.8024 of 2018
26.09.2018