



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.1781 of 2018

and

C.M.P.(MD)No.7787 of 2018

1.K.Pathirakali

2.P.Annapoorani

/Vs./

...Petitioners / Petitioners / Plaintiffs

1.Saroja

2.E.James Arputharaj

Defendants

...Respondents / Respondents /

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the order dated 22.06.2018 made in I.A.No.203 of 2018 in O.S.No.208 of 2008 on the file of the Sub Court, Tuticorin, and allow this civil revision petition.

For Petitioners : Mr.R.Vijayakumar

For R-1 : Notice sent

For R-2 : Mr.N.Dilipkumar

ORDER

The plaintiffs in O.S.No.208 of 2008 on the file of the Sub Court, Tuticorin, are the revision petitioners herein. After the trial commenced, the plaintiffs filed I.A.No.203 of 2008 for deleting the first schedule of the suit property, for deleting the second defendant from the suit and for including one item. The Court below by order dated 22.06.2018, dismissed the said I.A.No.203 of 2008. Questioning the same, the civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. This Court is of the view that since the second defendant as a subsequent purchaser is still having some interest in the suit property, he has to necessarily remain in the arena. Otherwise, the plaintiffs will walk away with an exparte decree, causing him prejudice. Therefore, the order passed by the Court below refusing to delete the second defendant from the suit or to delete first schedule of the suit property is sustained. However, there cannot be any objection for including another item. Only to this extent, the order impugned in this civil revision petition is set aside and



the civil revision petition is partly allowed. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(AD-I)

/True copy/

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Sub Assistant Registrar (CS-IV)

To

The Sub Judge, Tuticorin.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.N.DILIPKUMAR, Advocate, SR.No. 85047

+1cc to Mr.R.VIJAYAKUMAR, Advocate, SR.No.85290

C.R.P. (MD) (PD)No.1781 of 2018
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SM

KK/SKN/SAR-4/30.10.2018/2P-6C