



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.1844 of 2018 (PD)
and
CMP(MD)No.8100 of 2018

D.Karthikeyan ... Revision Petitioner/ Petitioner/
Proposed Party

Vs.

1.S.Lakshmi
2.K.Nagammal
3.G.Indirani ...1 to 3 Respondents/1 to 3 Respondent/Plaintiff
4.T.S.Thinamani
5.T.L.Sagunathala
6.M.Vijayalakshmi ...4 to 6 Respondents/4 to 6 Respondents/
Defendants

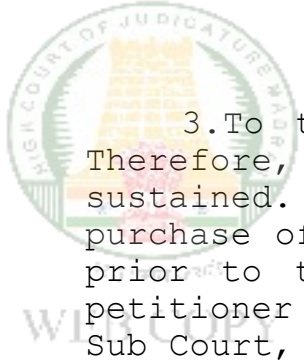
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 06.08.2018 in I.A No.278 of 2018 in O.S No.258 of 2011 on the file of the Additional District Munsif Court, Dindigul.

For Petitioner : Mr.H.Lakshmi Shankar
For Respondents : Mr.V.S.Kumaraguru
for R1 to R3

ORDER

The revision petitioner herein is a third party to O.S No.258 of 2011 on the file of the Additional District Munsif Court, Dindigul. He filed I.A No.278 of 2018 for getting himself impleaded. The court below dismissed the said I.A. Questioning the same, this civil revision petition has been filed.

2.When the matter was taken up for disposal, the learned counsel appearing for the plaintiffs pointed out that even in the written statement filed in O.S No.254 of 2011 on the file of the learned Additional Sub Court, Dindigul, the plaintiffs have clearly made a reference to the filing of the present suit in paragraph No.2 of the their written statement. Thus, they had clearly stated everything about the filing of the present suit. But, the revision petitioner has not chosen to get impleaded all these years. Hence, he wanted this Court to sustain the order impugned in this civil revision petition.



3.To the aforesaid submission, there cannot be an answer. Therefore, the order impugned in this civil revision petition is sustained. But then, this Court makes clear two aspects. The purchase of the property in question by the revision petitioner is prior to the institution of the suit. Admittedly, the revision petitioner has also filed O.S No.254 of 2011 before the Additional Sub Court, Dindigul against the present plaintiffs herein. The said suit was decreed after a full contest.

4.In these circumstances, the plaintiffs in O.S No.258 of 2011 on the file of the Additional District Munsif Court, Dindigul have chosen to consciously not implead the petitioner herein. Then, they must take the consequences thereof. The consequence can only be this. The decree in O.S No.258 of 2011 on the file of the Additional Sub Court, Dindigul cannot bind the revision petitioner herein nor will it affect his right in any manner.

5.With these observations, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Additional District Munsif , Dindigul.

- + 1 CC TO Mr.H.Lakshmi Shankar , ADVOCATE IN SR No.83772.
- 1 CC TO Mr.V.S.Kumaraguru , ADVOCATE IN SR No. 83764.

skm

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