



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No. 608 of 2013

and

M.P (MD) Nos. 1 of 2013

1. Jayamary

2. Marriaprakash

: Petitioners / Petitioners / 3rd Parties

vs.

1. M. Solairajan

: Respondent / 1st Respondent
/ plaintiff

2. A. Manoharan

3. A. M. Ravichandra

: Respondents / 2 and 3 Respondents
/ 1 and 2 Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree passed dated 20.09.2012 in I.A.No.206 of 2012 in O.S.No.63 of 2011 on the file of the Additional District and Sessions Judge, Dindigul.

For Petitioner

: Mr. G. Gomathi Sankar

For R1

: Mr. A. R. Sethupathy

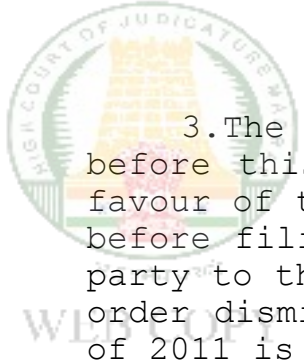
R2 and R3

: Died

ORDER

This Civil Revision Petition has been filed by a third party to the suit as against the order passed in I.A.No.206 of 2012 in O.S.No.63 of 2011 dismissing the petition filed by the revision petitioner.

2. The first respondent herein, as plaintiff filed the suit in O.S.No.63 of 2011 before the Additional District Court, Dindigul, for partition and for other consequential relief. Pending suit, the revision petitioner filed an application in I.A.No.220 of 2012 to implead himself as party to the suit on the ground that he has purchased item 1 of the suit property from the second defendant in the suit. Stating that the revision petitioner has not produced any sale deed obtained by him, the lower Court dismissed the application in I.A.No.206 of 2012 in O.S.No.63 of 2011. Aggrieved by the same, the above revision petition has been filed.



3.The learned Counsel for the revision petitioner has produced before this Court the copy of the sale deed, dated 05.07.2002, in favour of the petitioner. Since the sale deed has been obtained even before filing of the suit, the petitioner is a necessary and proper party to the suit and, therefore, this Court is of the view that the order dismissing the application in I.A.No.206 of 2012 in O.S.No.63 of 2011 is improper.

5.Hence, this Civil Revision Petition is allowed and the order passed by the Additional District Court, Dindigul in I.A.No.206 of 2012 in O.S.No.63 of 2011 is set aside and the petition in I.A.No.206 of 2012 in O.S.No.63 of 2011 stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Additional District and Sessions Judge, Dindigul.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.G.GOMATHI SHANKAR, Advocate in SR.No.72438

+1 CC to Mr.T.R.SUBRAMANIAN, Advocate in SR.No.72296

CMR

RJ/PN/SAR-2/26/07/2018 - 2P/6C

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